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San jose rules TEST, TEST, TEST... PERCENT TEST, TEST, TEST...

>> I WANT TO CALL THE MEETING TO ORDER THIS IS RULES AND OPEN GOVERNMENT MEETING FOR NOVEMBER 5, 08. IS THERE ANY CHANGES ON THE AGENDA? WE WILL START WITH THE NOVEMBER 11TH FINAL AGENDA MEETING CANCELED THAT IS EASY. DO WE HAVE ANYTHING ON THE NOVEMBER 10TH AGENDA THAT WE ARE SUPPOSED TO BE LOOKING AT? OKAY. THE NOVEMBER 18TH DRAFT AGENDA? WILL NOTE THAT WE HAVE AN ITEM G 2 REGARDING THE PUBLIC INTOXICATION POLICY MATTER WE'LL TAKE UP IN A MINUTE AFTER WE GET DONE WITH THE NOVEMBER 18TH AGENDA ITEMS. NOVEMBER 18TH AGENDA. ANYTHING ON PAGE 1? PAGE 2 OR 3? PAGE 4 OR 5? PAGE 6 OR 7? PAGE 8 OR 9? PAGE 12 OR 13? I HAVE A QUESTION REGARDING 6.2 THE ART WORK ON THE FACADE OF THE RENTAL CAR GARAGE. IS THIS READY TO GO IN TERMS OF SHOWING PEOPLE WHAT IT WILL LOOK LIKE?

>> IT IS READY TO GO WE WILL ISSUE A MEMO THAT RESPONDS TO THE QUESTION YOU HAD 2 WEEKS AGO AS WELL AS PROVIDE VISUALS OF THE CONCEPT OF THE ART WORK AND PREVIOUS WORK THE ARTIST HAS DONE.

>> WHEN WILL THEY BE POSTED ON THE WEBSITE SO PEOPLE CAN CHECK THEM OUT IF THEY ARE INTERESTED.

>> THIS WILL BE AVAILABLE ON FRIDAY.

>> IT IS PART OF THE REGULAR POSTING THE VISUALS WILL GO UP SO PEOPLE CAN SEE THEM.

>> MR. MAYOR, WE MIGHT HAVE SKIPPED OVER PAGES 10 AND 11?

>> IF WE DID I DIDN'T INTEND TO, IS THERE ANYTHING ON 10 AND 11.

>> ITEM 3.6 IS RELATED TO AN ITEM TODAY WE'RE TAKING UP WHY CONJUNCTION WITH THE QUESTIONNAIRE ON THE RETIREMENT BOARD. DEPENDING ON THE OUTCOME OF THAT DISCUSSION IT MAY CAUSE A DELAY.

>> I THINK WE SHOULD TAKE THIS OFF THE AGENDA FOR THE 18TH. THAT'S THE COUNCIL APPOINTMENTS TO RETIREMENT BOARDS. WE WILL NOT BE READY TO GO ON THE 18TH IN LIEFT QUESTIONS THAT HAVE BEEN RAISED ON THE PROCESS AND THE QUESTIONNAIRES. I SAY WE TAKE THAT OFF. WE WILL COME BACK TO THE QUESTIONNAIRES THEMSELVES. ANYTHING ELSE ON 10 OR 11? ON PAGE 13, THE ITEM 6.3 THE AIRPORT LIVING WAGE FOLLOW ON ORDINANCE APPROPRIATION ORDINANCE THAT CAN GO ON THE CONSENT CALENDAR. THIS IS AN IMPLEMENTATION STEP BASED ON THE COUNCIL'S PREVIOUS DIRECTION. I DON'T THINK IT WILL DETRACT ANY NEED FOR DISCUSSION. ANYTHING ELSE ON 12 OR 13? 14 OR 15? 16 OR 17? 18 OR 19? OR 20? A LONG AGENDA BUT THAT'S THE PRICE WE PAY FOR THANKSGIVING. AND VETERAN'S DAY. YES. I HAVE SOME REQUESTS FOR ADDITIONS. THE COMMENDATION OF SAN JOSE STATE UNIVERSITY. EXCUSED ABSENCE FOR COUNCILMEMBER CHIRCO AND WILLIAMS. CALIFORNIA GANG REDUCTION PREVENTION GRANT APPLICATION. AND ACCEPTANCE OF A SILVER LEAF ACTION AGENDA. ON THE FUTURE OF SILVER OAK NEIGHBORHOOD. OTHER ADDITIONS OTHER THAN G 2 WE WILL TAKE UP IN A MINUTE? MOTION IS TO APPROVE AS AMENDED.

>> ALL IN FAVOR?

>> AYE.

>> OPPOSED?

>> THAT COMPLETES THE COUNCIL DRAFT AGENDAS. REDEVELOPMENT AGENCY NOVEMBER 11TH IS CANCELED. NOVEMBER 18TH DRAFT AGENCY AGENDA.

>> MR. MAYOR, DID YOU [INAUDIBLE]

>> NO WE WILL TAKE UP G 3 AND DISCUSS IT. JUST WE HAVE TAKEN THE OTHER ITEM OFF THE AGENDA ON THE 18TH. WE WILL TAKE UP G 3. AGENCY AGENDA. ANYTHING ON PAGE ONE? PAGE 2 OR 3? PAGE 4 OR 5? OR PAGE 6?

>> MR. MAYOR, REDEVELOPMENT AGENCY. WE WOULD LIKE TO REQUEST ITEM NUMBER 8.3 THE AGENCY BUDGET SCHEDULE FOR A STUDY SESSION THE DAY BEFORE TO BE HEARD IN THE EVENING AS THE FIRST ITEM.

>> 8.3 WOULD BE ON THE 18TH IN THE EVENING, FIRST ITEM.

>> YES. WE WOULD LIKE TO REQUEST THAT.

>> WHY IN THE EVENING?

>> MR. MAYOR, THE AGENCY IF I MAY, THE HISTORICALLY WE HAVE PRESENTED OUR FIRST BUDGET VIEW IN THE EVENING TO ALLOW THE PUBLIC TO COME AND COMMENT ON IT. IT IS A PRACTICE THAT WE HAVE HAD. WE FOLLOW THAT WITH THE APPROVAL ACTIONS FOR YOUR BUDGET MESSAGE AND THE BUDGET ITSELF ON DECEMBER SECOND TENTATIVELY AND THE IMPLEMENTATION OF THE BUDGET, THOSE ACTIONS ARE TENTATIVELY SCHEDULES FOR DECEMBER NINTH. MAIN OBJECT IN THE EVENING IS TO ALLOW THE PUBLIC TO COME IN. WE HAVE HAD A SMALL NUMBER OF PEOPLE APEER IN THE PAST BUT WE WANT TO ENSURE WE OFFER THE OPPORTUNITY FOR EVERYONE TO COME WITHOUT WORRYING ABOUT WORK SCHEDULES.

>> OKAY.

>> IN ORDER TO ACCOMMODATE THE RULES COMMITTEE REQUEST, WE WILL WORK OFF LINE IT. WE HAD 5.3 TO GO FIRST BUT WE WILL REMOVE THAT AND SEQUENCE IT OFF LINE.

>> WHICH ONE?

>> THE CODE AND NEIGHBORHOOD IMPROVEMENT PLAN.

>> OKAY. ANYTHING ELSE ON THE AGENCY PART OF THE AGENDA FOR THE 18TH? MOTION? TO APPROVE? THE AGENDA IS AMENDED. ALL IN FAVOR? AYE. THAT'S APPROVED. WE HAVE THE REDEVELOPMENT AGENCY STUDY SESSION ON THE 17TH REGARDING THE BUDGET. ANY COMMENTS FROM THE COMMITTEE IN TERMS OF WHAT WE WILL TAKE UP THERE? SOMETHING WE HAVE DONE BEFORE. YOU ARE ALL FAMILIAR WITH IT, I GUESS.

>> MR. MAYOR, CONSISTENT WITH THE RULES DIRECTION TO MOVE FORWARD WITH APPROVAL OF THE AGENDA, ALTHOUGH IT WAS APPROVED BY RULES COMMITTEE BEFORE WEMENT TODD BRING THE AGENDA BACK TO THE COMMITTEE.

>> OKAY. OKAY. WE WILL TAKE A MOTION, I GUESS.

>> I WILL NOT BE HERE BUT I WILL MOTION TO APROVE.

>> OKAY. MOTION IS APPROVE THE AGENDA FOR THE STUDY SESSION ON THE 17TH. IN FAVOR? AYE.

>> THAT'S APPROVED. WE HAVE A LEGISLATIVE UPDATE NEXT. STATE, SACRAMENTO UPDATE. CAN I GET A REPORT FROM BETSEY SHOTWELL?

>> THANK YOU. MR. MAYOR AND MEMBERS OF THE COMMITTEE. BETSEY SHOTWELL. I'M BACK WITH AN ORAL REPORT ON WHAT IS HAPPENING AND WHAT IS THE LATEST IN SACRAMENTO. YOU MAY HAVE READ THE GOVERNOR IS CALLING A SPECIAL SEFTHZ LEGISLATOR STARTING TOMORROW. WE ANTICIPATE THAT INITIALLY THE BIG 6 THE BIG 5 INCLUDING THE SENATOR STEINBERG WILL BE ENGAGED IN MEETINGS TO DETERMINE WHAT PROPOSALS MAY BE OUT THERE. I WANT TO PROVIDE YOU WITH SOME INFORMATION THAT I JUST RECEIVED FROM OUR LOBBYIST. SENATOR PARADA AND STEINBERG HAD A PRESS CONFERENCE IN SACRAMENTO THEY EXPECT THE GOVERNOR AND FINANCE DEPARTMENT TO INDICATE THAT THE STATE CURRENTLY HAS AN 11.2 BILLION DOLLARS DEFICIT. THIS IS IN THE CURRENT YEAR.

>> WE ARE ALREADY 11 BILLION DOLLARS IN THE HOLE IN HOW MANY MONTHS?

>> EXACTLY. SHE SAID THEY SAID IT COULD BE WORSE. THEY TALKED ABOUT HOW THEY WILL TRY TO DEAL WITH THE NEXT YEAR AND THAT HOLE HOW THEY WILL BE LAYING OUT PROPOSALS. ONE OF THE ITEMS THAT ALSO CAME UP WAS THEIR SUGGESTIONS CHANGES IN WAY WHO BUILT THE DEFICIT BACK UP WOULD BE TO RESTORE THE VEHICLE LICENSE FEE AND THAT WOULD BRING IN 6 BILLION. THAT WAS ONE OF THE FIRST ACTIONS THE GOVERNOR TOOK ARNOLD SCHWARZENEGGER WHEN HE WAS SWORN IN AND A TAX FOR DRILLING. THEY SAID THEY WILL DISCUSS CUTS ALTHOUGH THEY ARE NOT AS SUPPORTIVE, OF COURSE, OF THE EDUCATION CUT PROPOSALS BECAUSE THEY FEEL THAT THAT WILL NOT HELP THE ECONOMIC STIMULUS PACKAGE IN BUILDING JOBS. AGAIN, EVERYTHING'S ON THE TABLE. ROCKS ANNE WAS IN THE CONFERENCE CALL WITH DEPARTMENT THE FINANCE AND THEY INDICATED EVERYTHING IS POSSIBLE. WE WILL CONTINUE TO BE DILIGENT WORKING HARD WITH OUR STAKE HOLDERS AND LOCAL GOVERNMENT REPRESENTATIVE AND BIG CITY REPRESENTATIVES AS WELL AS LOCAL LAW ENFORCEMENT AND OF COURSE THE CALIFORNIA REDEVELOPMENT AGENCIES STAFF AND OUR AGENCY WITH REGARDS TO BEING DILIGENT ON MAKING SURE WE CAN PROTECT OUR INTERESTS IN THE NEXT FEW WEEKS. IF THEY DON'T HAVE RESOLUTION, THE LEGISLATOR DOES END ON NOVEMBER 30TH. THE NEXT NEW GENERATION OF NEWLY ELECTED LEGISLATORS WILL BE SWORN IN AND THOSE REELECTED THE FOLLOWING MONDAY YOU START WITH A WHOLE NEW TEAM, SO TO SPEAK TO ADDRESS THIS ISSUE. SO --

>> UNDER THE PROP 1 A, WE HAD ANOTHER ONE A. THE OLD PROP 1 A THAT SET PARAMETERS FOR WHEN THE STATE CAN TAKE LOCAL FUNDING SOURCES, CAN THEY DO THAT IN THE MIDDLE OF A BUDGET YEAR OR CONSTRAINED TO DO IT IN NEXT YEAR'S BUDGET CYCLE JOOCHLT HE HAS TO DECLARE THE FISCAL EMERGENCY WHICH HE DID AND THEY WILL HAVE A

NEW BUDGET JANUARY 10TH NEXT YEAR. I WILL FIND THAT OUT IF THAT EMERGENCY CAN BE CALLED TWICE.

>> UNLIKE THE STATE OF CALIFORNIA, SAN FRANCISCO AND OAKLAND WE ARE NOT IN THE HOLE ALREADY. BUT IF THEY COME IN MID YEAR AND TAKE SOME OF OUR SALES OR PROPERTY TAX REVENUES WE WILL BE IN THE HOLE.

>> RIGHT.

>> NOT THAT THEY CAN CHANGE THE RULES BUT WE HAVE THE MEASURE WHICH WAS APPROVED BY THE VOTERS TO GIVE US SOME PROTECTION.

>> I WILL FIND THAT OUT.

>> OKAY. QUESTIONS OR COMMENTS. THANK YOU FOR THE BAD NEWS. [LAUGHTER].

>> I WILL BE BACK. [LAUGHTER].

>> THAT'S WHAT I'M AFRAID OF. [LAUGHTER].

>> WE'LL GET GOOD NEWS ONE OF THESE DAYS. NOTHING FROM FEDERAL. MAY BE THAT'S GOOD NEWS. THE NEW PRESIDENT.

>> ALL RIGHT THAT TAKES US TO MEETING SCHEDULES. HAVE A MEMORANDUM RECOMMENDING CANCELLATION OF RULES MEETINGS IN NOVEMBER AND DECEMBER AND SETTING DATES FOR RULES IN LIEU MEETINGS.

>> MOTION TO APPROVE.

>> MOTION IS TO APPROVE THE RECOMMENDATION TO THE CITY CLERK. ALL IN FAVOR?

>> AYE.

>> THAT'S APROVED. HAVE A REQUEST FROM CITY MANAGER TO APPROVE A MEETING SCHEDULE JANUARY-JULY OF 09. ONE SUGGESTION FOR A CHANGE ON THE STUDY SESSION SCHEDULE PART OF IT. FRIDAY FEBRUARY 13TH THE COUNCIL PRIORITY SESSION IS SCHEDULE 1-4 I DON'T THINK THAT IS LONG ENOUGH. MIGHT WANT TO BOOK IT UNTIL 5 TO RESERVE THE TIME.

>> OKAY.

>> IF WE GET DONE EARLY EVERYBODY IS HAPPY E.

>> NOT HAPPY IF WE RUN LATE.

>> MAYOR, MARCH THIRD IS A CANCELED MEETING BUT WE DISCUSSED HOLDING A MEETING IN THE AFTERNOON AND CANCELING THE EVENING BECAUSE IT IS AN ELECTION DAY. BUT WE WOULD LIKE TO HOLD AN AFTERNOON MEETING ON MARCH THIRD.

>> I THINK WE AT LEAST WANT TO HOLDUP ON THE POSSIBILITY OF HAVING A CLOSED SESSION THAT MORNING WITHOUT GIVING IT UP. AND DEFINITELY, PROBABLY CANCEL THE EVENING MEETING BECAUSE EVERYBODY LOSES INTEREST IN EVENING MEETINGS ON ELECTION DAY NO MATTER WHAT THE ELECTION IS. KEEP IT ON FOR A MORNING AND AFTERNOON? AND WE CAN LIGHTEN UP THE CALENDAR AND DO THOSE MATTERS WE NEED TO DO LIKE WE DID YESTERDAY. HAVE A SHORT MEETING.

>> SO I MOVE APPROVAL WITH THOSE 2 AMENDMENTS.

>> MOTION TO APPROVE WITH 2 AMENDMENTS ALL IN FAVOR?

>> AYE.

>> OPPOSED.

>> THAT'S APPROVED.

>> NEXT IS THE PUBLIC RECORD. ANYTHING PUBLIC RECORD ANYBODY WANTS TO PULL AND DISCUSS?

>> MR. MAYOR, I'D LIKE TO REFER ITEM E THE LETTER FROM THE SENIOR CITIZEN'S COMMISSION TO THE DOT TO SEE IF THERE ARE WAYS OF ADDRESSING THIS ISSUE?

>> THE 15 PERCENT SENIOR DISCOUNT ON TAXI FARE RATES? TRY TO GET THE WORD OUT? OKAY. THAT A MOTION?

>> MY MOTION WILL BE TO DO THAT AND FILE THE REMAINDER.

>> OKAY. MOTION IS TO REFER ITEM E NOTE AND FILE THE REST. ALL IN FAVOR?

>> AYE.

>> CLOSED. THAT'S APPROVED. WE HAVE NO APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES. NEXT ITEM IS TO WE HAVE A MEMORANDUM FROM COUNCILMEMBER PYLE ASKING FOR THE CITY MANAGE REPORT FOR THE UPDATE ON STREET LIGHT SHUT OFF PROGRAM PART OF THE 09 BUDGET. GET A STAFF REPORT ON THATMENT JIM HELMER?

>> MR. MAYOR AND MEMBERS OF THE COMMITTEE, DIRECTOR OF TRANSPORTATION. WE UM -- HAVE READ THE MEMORANDUM FROM COUNCILMEMBER PYLE, SHE ASKED FOR A STATUS REPORT AND WE ARE PREPARED TO DEVELOP THE REPORT AND PROVIDE AN UPDATE TO ALL OF YOU EXACTLY WHERE WE ARE WITH THIS PROGRAM AND WE CAN HAVE THAT REPORT WITHIN A WEEK. WE ARE WELL ON OUR WAY IN COLLECTING DATA ALREADY. WE HAVE REACHED OUT TO MANY OF THE INTERNAL DEPARTMENTS WITHIN THE CITY AS WELL AS OTHER OUTSIDE STAKE HOLDERS. HAVING SAID THAT, I WOULD LIKE TO SAY THAT THE AREA OF TURNING OFF UP TO 900 STREET LIGHTS WAS A DECISION THAT WAS DIFFICULT TO MAKE FOR A DEPARTMENT AS WELL AS THE ADMINISTRATION. AND WE DID THAT IN AN EFFORT TO CREATE A BALANCED SOLUTION IN OUR ABILITY TO CONTINUE TO MOVE FORWARD WITH A TRANSPORTATION WE BELIEVE. WHILE WE ARE IN THE BUSINESS OF MAINTAINING A STREET LIGHT SYSTEM IT WAS A DIFFICULT DECISION THAT WE HAD TO DO. HAVING DONE MORE RESEARCH, WE ARE FINDING MORE CITIES ARE DISCONNECTING LIGHTS AND HAVING NEW POLICIES ON LIGHTING MASTER PLANS BECAUSE THEY ARE FINDING THEMSELVES IN SIMILAR SITUATIONS. WE ARE WORKING CLOSELY WITH THE INDUSTRY. WITH LIGHTING MANUFACTURERS. WE BROUGHT A NEW STREET LIGHT POLICY FORWARD AND HOPE TO FINALIZE THAT IN DECEMBER FOR COUNCIL'S REVIEW SO THAT WE CAN LEAD THE WAY IN DEVELOPING NEW TECHNOLOGY STREET LIGHTING THAT WE CAN DIM THE AMOUNT OF LIGHT WE USE TO SAVE POWER OR CONTROL THE AMOUNT OF LIGHT IN OTHER PROGRAMMABLE WAYS TO THE BENEFIT THE COMMUNITY TO KEEP THE LIGHT ON WHEN IT IS NEEDED AND DIM IT WHEN IT IS NOT NEED BUT TO MODERNIZE OUR STREET LIGHT SYSTEM.

>> OKAY. SO WE HAVE REFERRED TO THIS ADMINISTRATION FOR A REPORT BACK.

>> WE HAVE A MOTION. ALL IN FAVOR?

>> AYE.

>> OPPOSED?

>> WE WILL DO THAT.

>> ITEM G 2 IS A REQUEST TO RECONSIDER THE DATE CITY COUNCIL WILL REVIEW THE PUBLIC INTOXICATION POLICY. THOSE OF YOU MAY RECALL LAST WEEK WE DISCUSSED A MEMORANDUM FROM COUNCILMEMBER CAMPOS AND COUNCILMEMBER NGUYEN AND MYSELF REQUESTED A MEETING FOR THE 18TH TO DO THIS AND AFTER DISCUSSION ABOUT COUNCILMEMBER CONSTANT WAS GOING TO BE ABSENT IT WOULD BE HELPFUL IN PREPARING FOR THE MEETING WE DECIDED DECEMBER SECOND WOULD BE A BETTER DATE. WE MADE THAT DECISION. I DIDN'T HAVE A CHANCE TO TALK TO COUNCILMEMBER NGUYEN OR CAMPOS. NOW I WOULD LIKE TO RECONSIDER BECAUSE I THINK THE 18TH IS A BETTER DATE. COUNCILMEMBER CAMPOS STILL PREFERS FOR IT TO BE HELD ON THE 18TH. I'M NOT SURE WHERE COUNCILMEMBER NGUYEN IS ON THIS. I THINK SHE'S HAPPY WITH THE ORIGINAL MEMO. THAT WOULD BE MY RECOMMENDATION THAT WE PUT IT ON FOR THE 18TH. AND YOU WILL BE ABSENT?

>> YES, I WILL.

>> YOU GOING TO RETIREMENT BOARD TRAINING?

>> YES, I AM. I WANTED TO PARTICIPATE BUT I UNDERSTAND.

>> MR. MAYOR. THE ADMINISTRATION WILL TO OUR BEST TO MEET YOUR NEEDS I WANT TO ENSURE THAT YOU AND THE COMMITTEE AND THE COUNCIL ARE CLEAR THAT WE WILL HAVE STAFF MISSING OVER THE NEXT WEEK AND A HALF DUE TO PREVIOUSLY SCHEDULE CONFERENCE COMMITMENTS. WE WERE LOOKING FORWARD TO BRINGING YOU A MORE COMPLETE REPORT ON THE SECOND. WE WILL DO WHAT WE CAN TO BRING YOU A PRESENTATION WHICH TOUCHES ON OUR CURRENT DEPLOYMENT APPROACH OUR CURRENT MODEL OF OPERATION. TALK TO YOU ABOUT THE STATISTIC THAT HAVE BEEN OUT THERE AND ENSURE THAT YOU REALLY UNDERSTAND HOW SAN JOSE DOES COMPARE. AND THEN THROUGH THE DIALOGUE TO THE DEGREE THERE IS MORE INFORMATION THAT THE COUNCIL WOULD BE INTERESTED IN, WE WOULD BE HAPPY TO BRING THAT BACK TO YOU AS A SUBSEQUENT PRESENTATION.

>> ALSO WANTED TO NOTE FOR THOSE WHO DON'T KNOW SUPERVISOR HAS A REFERRAL TO THE ADMINISTRATION WITH A REQUEST TO COLLECT A LOT OF DATA AND DO ANALYSIS ON THE SAME TOPIC COUNTY WIDE TO BRING BACK TO THE BOARD OF SUPERVISORS ON DECEMBER NINTH. SO -- WE MAY IN THAT PROCESS GET MORE DATA WE DON'T ALREADY HAVE. THE COUNTY WILL PUT TOGETHER. COUNCILMEMBER NGUYEN.

>> THE 18TH WOULD BE SUFFICIENT. I THINK WE NEED TO PAY ATTENTION TO. I WAS WONDERING IF WE CAN CONTACT THE OFFICE OF IT A IT SEE IF THERE ARE COMPLAINTS FROM PEOPLE THAT SUPPOSEDLY ALLEGED THEIR

ARRESTS WERE NOT WARRANTED. I WOULD LIKE TO SEE THAT REPORT IF THEY GATHERED THOSE TYPES OF COMPLAINTS AS PART OF THE DISCUSSION ON THE 18TH.

>> WE WILL WORK WITH OUR UNIT.

>> HI, BARBARA. MY OFFICE HAS RUN STATISTICS ON THIS AND WE WILL PUT TOGETHER A REPORT FOR THE 18TH.

>> GREAT. THANK YOU, BARBARA.

>> THANK YOU.

>> I WILL BE OUT OF TOWN. BUT I WILL HAVE SOMEONE ELSE PRESENT IT ON THAT DAY.

>> OKAY.

>> ARE THERE MEMBERS OF THE PUBLIC WHO WOULD LIKE TO ON SPEAK ON THIS ITEM? WE WILL TAKE THAT TESTIMONY AT THIS TIME.

>> THANK YOU, MAYOR. GOOD AFTERNOON MAYOR REED AND COUNCIL MEMBERS. I'M TRINA COLLINS. TODAY I'M REPRESENTING A COALITION OF SEVERAL GROUPS AND THAT'S THE LATINO COALITION OF SILICON VALLEY. AND THE SILICON VALLEY DEMOCRATIC FORUM. SOME OF THEM COULD NOT BE HERE TODAY. THANK YOU FOR CHANGING THE MEETING DATE ON THE 18TH. WE ARE HAPPY ABOUT THAT BECAUSE WE FEEL THAT IT IS IMPORTANT THIS ISSUE BE HEARD BEFORE THE THANKSGIVING HOLIDAYS. AS YOU KNOW THAT IS A BIG HOLIDAY AND WE WOULD LIKE TO HAVE THE PUBLIC HAVE A CHANCE TO MAKE THEIR COMMENTS KNOWN ABOUT THIS PARTICULAR ISSUE. WE DIDN'T HAVE AN OPPORTUNITY TO GIVE ANY COMMENTS RAISED WITH THE MEETING YOU HAD WITH THE ROUND TABLE, MAYOR. BY HAVING THIS PUBLIC HEARING WE WOULD LIKE THE COMMUNITY HAVE THE ABILITY TO ON KNOW WHAT WAS DISCUSSED AND WHETHER WE CAN HAVE INPUT INTO THAT ANY SOLUTIONS CAN BE MET. THE HEARING, AS WE SEE IT, SHOULD FOCUS ON THE COMMUNITY CONCERNS. AND AFTER THAT PERHAPS THE CHIEF CAN WORK TO PREPARE THE REPORT YOU ARE TALKING ABOUT. I DON'T KNOW IF THAT IS THE REPORT YOU ARE TALKING ABOUT BUT THERE WILL BE REPORTS FROM THE POLICE CHIEF. AND THAT COULD TAKE INTO ACCOUNT WHAT THE PUBLIC HAS TO SAY. SO FOR THE TIME BEING, WE WOULD WELCOME HAVING THE MEETING AT A TIME CERTAIN ON THE 18TH IN THE EVENING IF POSSIBLE.

>> OKAY. WE WILL COME BACK TO THE TIME CERTAIN QUESTION.

>> THAT'S WHEN THE COMMUNITY WOULD BE MORE AVAILABLE.

>> APPRECIATE IT. THANK YOU.

>> GOOD AFTERNOON MR. MAYOR AND MEMBERS OF THE COMMITTEE. I'M HERE ALSO AS A MEMBER OF THE SILICON VALLEY LATINO DEMOCRATIC FORUM. FORTUNATELY THE FORUM IS WORKING IN PARTNERSHIP WITH THE LATINO ALLIANCE OF THE LEADERSHIP ALLIANCE AND OTHER COMMUNITY ORGANIZATIONS. I ADD MY VOICE IN SUPPORT OF HAVING THIS ISSUE THIS DEEPLY CONCERNED ISSUE THAT WE HAVE IN THIS GREAT CITY OF OURS TO BE HEARD ON THE 18TH. WE APPRECIATE THE LEADERSHIP OF COUNCILMEMBER CAMPOS IN THAT REGARD. WE APPRECIATE YOUR SUPPORT, MR. MAYOR IN HAVING THIS ON NOVEMBER 18TH. HAVING THIS



HEARD SOONER RATHER THAN LATER AND PROVIDING AN OPPORTUNITY FOR THE COMMUNITY TO BE HEARD STRENGTHENS OUR COMMUNITY'S TRUST IN BOTH OUR INSTITUTIONS, OUR ELECTED OFFICIALS AND IN OUR POLICE DEPARTMENT AND OTHERS INSTITUTIONS. WE APPRECIATE THE OPPORTUNITY. LET ME AS A LONG TIME RESIDENT OF SAN JOSE, AS A CRIMINAL DEFENSE LAWYER FOR 32 YEARS, MY BEST FRIENDS ARE POLICE OFFICERS. CAPTAIN RICHARD CALVAROWN AND I PARTICIPATED IN A YOUTH CONFERENCE THIS WEEKEND TEACHING OUR KIDS ABOUT RESPECT. LET ME SAY TO YOU MEMBERS OF THE COMMITTEE THAT HAVING THIS FORUM WILL PROVIDE A GREAT SENSE OF TRUST TO OUR COMMUNITY. WE APPRECIATE YOUR LEADERSHIP, MR. MAYOR. WE APPRECIATE THE LEADERSHIP OF THE COUNCIL IN THIS REGARD. WE ALSO LOOK FORWARD TO A TIME CERTAIN AND WE TRUST THAT YOU WILL KEEP THE MEMBERS OF THE COMMUNITY WORKING MEMBERS IN MIND IN THAT REGARD.

>> HI. MY NAME IS -- BRING IT UP A BIT.

>> ALL RIGHT. MY NAME IS ROD WITH SILICON VALLEY [INAUDIBLE] WE ARE A COMMUNITY ORGANIZATION THAT DEALS WITH PEOPLE WHO HAVE ISSUES WITH THE LOCAL JUSTICE SYSTEM WE MEET BE PEOPLE DAILY WHO FEEL THEY HAVE BEEN FALSELY ARRESTED OR DISCRIMINATED AGAINST BY A POLICE DEPARTMENT. FIRST UP, I WANT TO APPLAUD YOU FOR MOVING FORWARD THE FORUM DATE TO A CLOSER TIME. I PROMISE I WILL BRING AS MANY PEOPLE AS POSSIBLE TO THAT MEETING SO THEY CAN TESTIFY ON REAL LIFE EXPERIENCE OF WHAT THEY ARE SEEING. ALSO, I THINK IT IS IMPORTANT THAT WE HAVE THE FORUM AS IMMEDIATELY AS POSSIBLE GIVEN THE OTHER ISSUES IN THE BACK DROP. ONE, THE CHANGE WITH INDEPENDENT POLICE AUDITOR, WHICH I THINK HAS CAUSED A WAVE OF DISTRUST IN THE COMMUNITY AROUND POLICE ISSUES AND THE WATERING DOWN OF THE SUNSHINE ORDINANCE THAT I KNOW THE TASK FORCE PUT A LOT OF WORK INTO. I WOULD BE REMISS IF I DID NOT MENTION THIS, DAY AFTER THE MAN OF COLOR WAS ELECTED PRESIDENT I THINK IT IS IMPORTANT THAT SAN JOSE KEEP IN STEP WITH THE PROGRESS OF THE REST OF THE COUNTRY IS MAKING. AND WITH THAT SAID, THERE ARE 2 SUGGESTIONS I WAS HOPING WE COULD MOVE FORWARD WITH THE FORUM. WE KNOW WHEN THERE ARE HIGH MEDIA EVENTS AROUND POLICE MATTERS WE USUALLY HAVE A FORUM THAT IS A REACTION AND LITTLE COME OF IT. ONE, I'M HOPING THERE WILL BE COMMUNITY INPUT IN THE FRAMING OF THE FORUM AND HOW IT IS CONDUCTED. AND SECOND, I THOUGHT LAST TIME PEOPLE FELT DISRESPECTED WHEN THEY ASUM THEY WILL HAVE 2 MINUTES TO SPEAK, A YEAR AGO WHEN IT WAS A HIGH MEDIA PROFILE MOMENT AND THE TIME WAS CUT DOWN TO ONE MINUTE. PEOPLE ARE COMING FROM WORK AND GIVING UP TIME AT HOME I HOPE YOU GIVE THEM THEIR SHARED TIME TO COMMUNITY THEIR ISSUES TO YOU.

>> ANYONE ELSE?

>> MAYOR REED, LADIES AND GENTLEMEN, I'M CASTIANO I'M A MEMBER OF THE LATINO DEMOCRATIC FORUM. THANK YOU FOR THE NOVEMBER 18TH DATE TO CONDUCT THIS MEETING. ONE THING THAT BOTHERS ME THAT I

READ IN THE PAPER, I QUOTE, WE ARE IN THE NORM, SOMETHING THE CHIEF OF POLICE SAID. WITHIN THE NORM CAN VARY FROM DIFFERENT TIMES. DIFFERENT TIMES AND DIFFERENT PLACES. AND THERE IS SO MANY OF US NOW IN COUNTY JAILS, CITY JAILS AND A LOT OF US DRINK AND THINGS HAPPEN. BUT I THINK THERE IS A BETTER WAY THAT WE CAN WORK SOMETHING OUT THAT WE WILL PROMOTE A BETTER RELATIONSHIP BETWEEN THE POLICE AND THE LATINO COMMUNITY. AND SO, I'M GLAD THAT YOU ARE KEEPING THAT DATE AND I'M STARTING TO GO TO WORK WITH MY GROUP AND GIVE THEM MY IDEAS OF WHAT I THINK AND PERHAPS SOMEHOW WE WILL REACH SOME SOLUTION WHEN THE RIGHT TIME COME. THANK YOU.

>> ANYONE ELSE? OKAY. THAT WILL -- COUNCILMEMBER CONSTANT.

>> I KNOW THAT THE CHIEF OF POLICE AND THE CITY MANAGER'S OFFICE GOT A BIT OF BLAME. MISPLACED BLAME FOR CHANGING THE DATE I WANT TO LET PEOPLE KNOW THAT IT WAS ME WHO ASKED FOR THE DEFEREL BECAUSE I WAS GOING TO BE OUT OF TOWN AND HAD AN INTEREST IN THE TOPIC AND WANTED TO SPEAK. I WANTED YOU TO KNOW WHY THE MEETING WAS CHANGED. I WANT TO PARTICIPATE BUT I UNDERSTAND THE DESIRE OF THE COMMUNITY AND DON'T HAVE A PROBLEM WITH IT BEING MOVED BACK. I DIDN'T WANT THE CHIEF OR CITY MANAGER BEING BLAMED FOR SOMETHING I DID.

>> WE WILL JUST BLAME YOU FOR EVERYTHING ON THIS ITEM?

>> SURE.

>> AS LONG AS YOU WILL BE OUT OF TOWN.

>> YOU WON'T BE ABLE TO BLAME ME FOR TALKING TOO LONG.

>> IT IS NOT OUR INTENT TO ISSUE A WRITTEN REPORT. ONE OF THE SPEAKERS MENTIONED GETTING THE COMMUNITY AN OPPORTUNITY TO SPEAK. WE ARE ALL EARS. WE HEARD SOME THINGS WE WILL ANTICIPATE IN OUR PRESENTATION. NOT TO ASSUME THAT WE HEARD IT ALL BUT WE WILL BE PREPARED TO PROACTIVELY TOUCH ON ISSUES THAT WE THINK ARE IMPORTANT TO SHARE BUT ALSO BE ABLE TO RESPOND TO QUESTIONS AND FOLLOW UP ACCORDINGLY.

>> THANK YOU. ANY OTHER COMMENTS ON THIS. A MOTION TO ADD IT ON THE 18TH AGENDA AND WE WILL TALK ABOUT THE TIME.

>> MOTION TO PUT THIS ON THE 18TH AGENDA. ALL IN FAVOR?

>> AYE.

>> THAT'S APROVED. NOW THE TIME.

>> MR. MAYOR CAN I ASK WITH GUIDANCE ON HOW YOU WISH FOR IT TO APPEAR ON THE AGENDA AS IT IS CAPTIONED HERE.

>> WE HAD THE ORIGINAL MEMO FROM COUNCILMEMBER CAMPOS AND NGUYEN AND I. THE TIME. I REMEMBER WE GOT 3 THINGS ALREADY THAT WANT TO BE FIRST? [LAUGHTER]. RIGHT?

>> FIRST IN THE EVENING ON THE 18TH? WE HAVE THE LAND USE ITEMS. THERE ARE A FEW OF THEM. THERE MAY BE ONE OR 2 THAT TAKE TIME. IS IT 2 COMMUNITY REPORTS? S & I.

>> FOR THE EVENING THE OTHER IS FOR THE DAY.

>> WE HAVE THE CONA PRESENTATION WHICH IS GOOD FOR 10 MINUTES TYPICALLY THAT'S WHAT THEY HAVE BEEN TAKING.

>> THAT SHOULD BE BRIEF.

>> AT LEAST 10 MINUTES I WOULD THINK.

>> WE HAVE THE RDA BUDGET HEARING.

>> IF YOU CAN'T TELL, MR. MAYOR, LAST YEAR IT WAS LESS THAN ONE MINUTE FOR THE RDA BUDGET.

>> THE BEGINNING OF THE BUDGET PROCESS NOT THE END.

>> CORRECT.

>> AND -- THE LAND USE ITEMS. I WOULD SUGGEST THAT WE TAKE THOSE BUSINESS ITEMS FIRST. GET THEM DONE AND TAKE UP THE ISSUE ON THE PUBLIC INTOXICATION ARRESTS. 7:30? PROBABLY? AS A SOMEWHAT OF A TIME CERTAIN? AND WE SHOULD LOOK AT LAND USE ITEMS AND FIGURE OUT IF THERE ARE PROBLEMS AND IF IT WILL BE A LONG HEARING MAY BE WE DON'T HAVE TO ON HEAR THEM THAT NIGHT. AS SOMETHING I KNOW I HAD MY STAFF LOOK AT AND THERE IS ONE AN APPEAL OF CONDITIONAL USE PERMIT THAT GENERATED A CROWD AT THE PLANNING COMMISSION. AND HUNDREDS OF E MAILS. SO, THAT ONE COULD BE A TIME PROBLEM. LOOKS LIKE A BEST GUESS WOULD BE 7:30 FOR A TIME CERTAIN. YES. NOT BEFORE 7:30 SO PEOPLE DON'T HAVE TO GET HERE EARLY AND WORRY ABOUT WHAT WE WILL TAKE IT UP. ANY OTHER CHANGES TO THAT AGENDA AS A RESULT OF THAT? A MOTION TO MODIFY? SO MOVED. MOTION TO MODIFY THE AGENDA TO ACCOMMODATE THAT TIME CERTAIN, NOT BEFORE 7:30. ALL IN FAVOR?

>> AYE.

>> NONE OPPOSED. THANK YOU. THAT IS APPROVED.

>> I WANT TO SAY THANK YOU VERY MUCH FOR ACCOMODATING US.

>> YOU ARE WELCOME. THAT WILL TAKE US TO ITEM G 3. RETIREMENT BOARD SUPPLEMENTAL QUESTIONNAIRE, ARE CITY ATTORNEY.

>> YES, MR. MAYOR, MEMBERS OF THE COMMITTEE. IN YOUR PACKET UNDER THE REPLACEMENT MEMORANDUM PROVIDED BY THE CITY MANAGER'S OFFICE IT ASK A PRODUCT OF THE JOINT WORK OF OUR OFFICE ALONG WITH THE CITY MANAGER'S OFFICE. THERE IS A MEMO FROM MY STAFF TO THE COMMITTEE WHICH ADDRESSES THE PURPOSE OF THE 2 QUESTIONNAIRES. THE FIRST IS JUST BACKGROUND, IN SEPTEMBER THE RULES COMMITTEE OR COUNCIL DIRECTED US TO COME BACK WITH A SORT OF A QUESTIONNAIRES OR DOCUMENT TO DURING TO USE FOR ALL APPLICANTS TO THE RETIREMENT BOARD. OUT OF CONCERN THERE MAY BE A NEED TO GET ADDITIONAL INFORMATION. AND THIS IS AT THE SAME TIME THE COUNCIL HAS GIVEN US AND THE CITY MANAGER DIRECTION TO LOOK AT AN OVER ALL, ARE THERE POTENTIAL REVAMPING OF RETIREMENT BOARDS, YOU KNOW, ADDING MEMBERS, ANY CHANGES? THAT IS A LONG-TERM PROJECT DOWN THE ROAD. WE HAVE COME BACK WISHING WITH THE MANAGER'S OFFICE WITH THIS QUESTIONNAIRE. I HAVE SEEN CORRESPONDANCE WITH STAKE HOLDERS. THE QUESTIONNAIRE THAT IS A 3 PAGED DOCUMENT, WHICH IS THE FIRST DOCUMENT IN YOUR PACKET. IS

INTENDED FOR THE CITY COUNCIL PURPOSE. THIS IS FOR THE APPLICANTS TO FILL OUT FOR THE COUNCIL TO REVIEW. IT IS NOT UNCOMMON FOR OUR OFFICE TO PROVIDE THE COUNCILMEMBERS WITH QUESTIONS FROM THE DIAS FOR ANY APPLICANT OF A COMMISSION OR BOARD. SO WHETHER IT IS CIVIL SERVICE, ELECTIONS COMMISSION, APPEAL HEARING BOARD IT IS NOT UNCOMMON FOR THE COUNCIL TO HAVE QUESTIONS. IN THIS CASE WE THOUGHT IT BEST TO GIVE IT IN ADVANCED THAT INFORMATION COULD BE PROVIDED FOR COUNCIL SO THEY CAN REVIEW THAT WE DO THAT FOR THE BENEFIT OF COUNCIL. SEPARATELY, THERE IS A ONE PAGED DOCUMENT, RETIREMENT BOARD INTRODUCE. THAT IS INTENDED AS OUR MEMO INDICATES, INTENDED FOR THE CITY MANAGER'S REPRESENTATIVE TO THE INTERVIEW BOARD CONTEMPLATED UNDER THE MUNICIPAL CODE THE IMMEDIATE ISSUE IS THE RETIRE REMEMBER ON THE RETIREMENT BOARD. THAT PROCESS IS MOVING FORWARD. THERE IS AN INTERVIEW PROCESS THAT GOES TO A SEPARATE BOARD. THE CRITERIA SET FORTH IN THE MUNICIPAL CODE IS FOCUSSED ON LIABILITY IN THE FORM OF, ARE YOU AVAILABLE? THESE QUESTIONS SET FORTH IN THIS ONE PAGED DOCUMENT REALLY GET TO THAT ISSUE AS TO WHAT OTHER ISSUES YOU MIGHT HAVE. DO YOU HAVE CLASSES? DO YOU HAVE OTHER TYPES OF ORGANIZATIONS YOU WITH? ARE YOU PERFORMING OTHER WORK? THE ISSUE WE FIND WITH THE BOARDS AND COMMISSIONS GENERALLY IS MAKING SURE WE HAVE ENOUGH REFORM THAT'S WHAT'S CONTEMPLATED IN THE BOARD CRITERIA. ONE DOCUMENT IS FOR COUNCIL PURPOSES THE OTHER IS FOR THE INTERVIEW PANEL. AND WE ARE HERE TO ANSWER ANY QUESTIONS.

>> OKAY. QUESTIONS?

>> I NOTICE PEOPLE FROM THE PUBLIC WANT TO SPEAK TO THIS. COME ON DOWN.

>> GOOD AFTERNOON MR. MAYOR AND MEMBERS. THAT HANDLE WILL SLIDE UP. JEFF, REPRESENTING LOCAL 230 SAN JOSE FIREFIGHTER ONES. WANT TO ADDRESS THIS COMMITTEE BASED ON THE WITH REGARDS TO THE SUPPLEMENTAL QUESTIONNAIRE. WE HAVE SERIOUS QUESTIONS AND OBJECTIONS TO THE CITY MANAGER INCLUDING SUPPLEMENTAL QUESTIONNAIRE OF THE PROCESS OF THE RETIREMENT BOARD THE CODE ARTICULATES WITH THE REGARD HOW THE ADDITION OF A RETIREE TO THE RETIREMENT BOARD. THAT SELECTION PROCESS WAS DEFINED IN THOSE BARGAINING SESSIONS AND AGREED TO BY THEN THE ASSISTANT CITY MANAGER AND OFFICE OF EMPLOYEE RELATIONS WHICH WAS RATIFIED BY CITY COUNCIL BACK IN -- CLEARLY WE HAVE A DEMONSTRATABLE HISTORY OF BARGAINING OVER THE SUBJECT ANY CHANGES ARE MEET AND COVER PROCESS. ANY MOVE TO MOVE FORWARD WITH A QUESTIONNAIRE WOULD TRIGGER A MEET AND DEFER DEMAND. WE HAVE A JOINT LETTER TO THE CITY MANAGER AND COUNCIL REGARDING THE SUBJECT. THAT'S WHAT I WANTED TO SAY. THANK YOU.

>> BOBBY LOPEZ PRESIDENT OF SJPOS. THANK YOU VERY MUCH FOR THIS OPPORTUNITY TO TALK TO YOU. MORE IMPORTANTLY, THE POA IS ON THE

SIDE OF THE FIREFIGHTERS. ANY CHANGE IN THE QUESTIONNAIRE THE MEETINGS WE CONSIDER WOULD BE MEET AND CONFER. THE TONE THAT HAS BEEN SET BY THE CITY. WE HAVE A GREAT CONCERN. THESE QUESTIONNAIRES WERE FILLED OUT AND MADE UP AND GIVEN LITTLE NOTICE. WHAT WOULD BE ASKED -- I KNOW THAT THERE HAVE BEEN PEOPLE THAT BELIEVE THIS IS THE CITY'S MONEY. WHEN WE TALK ABOUT THE RETIREMENT BOARD THE CITY JUST IS A HOLDER OF THE OVER ALL WHAT THE FUND. BUT THE INPUT OF THIS IS PUT BY FIREFIGHTERS AND POLICE OFFICERS WHO HAVE GIVEN THEIR LIVES IN SOME INSTANCES AND THEIR HEALTH OR UP TO 30 YEARS OF SERVICE. WE ARE CONCERNED THAT ANY CHANGE IN THE MAKE UP OF THE BOARD AND THE FILING OF THE QUESTIONNAIRE BECAUSE THERE IS A PROCESS BY WHICH WE WILL CHOSE OUR REPRESENTATIVES IS A SLAP IN THE FACE OF ALL THE OFFICERS AND BOTH FIREFIGHTERS AND POLICE OFFICERS. THE SYSTEM HAS WORKED FOR 30 YEARS. WE MADE NOTHING BUT MONEY FOR THE CITY AND OUR MEMBERS. A CHANGE IN THAT PROCESS WE CONSIDER IS A MEET AND CONFER ISSUE, MORE IMPORTANTLY IT IS A SLAP IN THE FACE OF ALL PUBLIC SAFETY. WE DON'T WANT TO CHANGE AND DEMAND THERE NOT BE A CHANGE IN THE SYSTEM. WE ARE PICKING OUR REPRESENTATIVE, THANK YOU.

>> MR. MAYOR AND COUNCILMEMBERS. I REPRESENT THE RETIREES HERE. MY NAME IS BRUCE DEMERS. 8 YEARS AGO THE EMPLOYER ARE THE CITY OF SAN JOSE SIGNED AGREEMENT ON THIS. I EXPECT THAT YOU SHOULD HONOR THIS. THANK YOU. MR. MAYOR AND COUNCILMEMBERS. CITY MANAGER PAGONY DOYLE.

>> SQUEEZE THE HANDLE IT WILL SLIDE UP A BIT.

>> IS THAT BETTER. IF YOU SQUEEZE THE HANDLE YOU DON'T HAVE TO STOOP OVER.

>> THANK YOU, I'M A LAWYER I'M TECHNICALLY CHALLENGED. HONORED TO SERVE THE RANK AND FILE OFFICERS OF THE GREAT CITY. I HOPE YOU RECEIVED A COPY OF THE LETTER THAT THE FIREFIGHTER COUNCIL SENT YESTERDAY TO THE CITY MANAGER WHICH OUT LINES OUR OCCURRENCE. I APPRECIATE THE CITY ATTORNEY DIFFERENCE BETWEEN THE QUESTIONNAIRE AND THE LISTS OF QUESTIONS TO BE ASKED OF THE RETIREE REPRESENT. MY ISSUE IS MORE WITH THE PROCESS. THAT'S THE CONCERN MY CLIENT AND THE FIREFIGHTERS VICE PRESIDENT ARTICULATED. THIS WAS THE SUBJECT OF NEGOTIATIONS IN 1999. THE BETTER PART OF THAT SUMMER, WE MET WITH THE EMPLOYEE RELATIONS DIRECTOR MARK LELSON AND ACCOUNTING CITY MANAGER SAT IN SOME SESSIONS AND LEFT EARLY MERCIFULLY FOR HER. OUR CONCERN IS WHY IS THIS COMING TO THE FLOOR IN WHAT APEERS TO BE WHAT BOBBY LOPEZ SUGGESTED A UNILATERAL FASHION. IT IS A MEET AND CONFER ISSUE AND WE NEED TO TALK ABOUT THIS. MY LETTER GOES THROUGH THE RELEVANT LEGAL REQUIREMENTS AND THE CITY DID DO THE RIGHT THING IN 1999 BY ENGAGING THAT PROCESS. THE OTHER PROBLEM WITH ALL OF THIS, OF COURSE, IS THE FACT THAT A COUPLE OF YEARS AGO THE CITY DECIDED TO

DISMANTLE THE TRIPARTITE PROCESS. THAT WAS A DECISION THE CITY MADE AS PART OF BARGAINING IN 2005 AND IN 2006 THE PROBLEM FOR ANYTHING GOING FORWARD ON THIS PROCESS IS WE HAVE SEPARATE CONTRACTS TALKS. RETIREMENT IS PART OF REGULAR LABOR CONTRACT TALKS. AS YOU KNOW THE POS HAS BEEN IN NEGOTIATIONS FOR THE CITY SOMETHING APPROACHING A YEAR NOW. I THINK IT IS INTERESTING THIS IS A RULES COMMITTEE I'M SURE THE COMMITTEE APPRECIATES THE IMPORTANCE OF RULES THE CITY PUT.

>> ONE OF OUR RULES IS 2 MINUTES.

>> I WILL OBEY THAT RULE BUT THERE ARE PROBLEMS IN GOING FORWARD. I DID NOT KNOW THAT RULE. I WOULD APPRECIATE YOU HONOR THE MEET AND CONFER.

>> WE DID GET YOUR LETTER.

>> COUNCILMEMBER, MAYOR, COUNCILMEMBERS AND MEMBERS OF THE COMMITTEE I'M JOHN CAR THE PRESIDENT OF THE ASSOCIATION OF ENGINEERS AND ARCHITECTS. I'M SPEAKING ON BEHALF OF CITY LEVEL ALLIANCE. WE ARE OPPOSING THIS TO THE LEVEL OF DETAIL THAT IT IS ASKING FOR IN IT. WE FEEL THAT THIS WILL ELIMINATE MOST RETIREES OR EMPLOYEES AND PROBABLY ELIMINATE ALL OF THE COUNCILMEMBERS THAT SERVE ON THE BOARD OF RETIREMENT AT THIS POINT. WE THINK THIS IS WOULD NEGATIVELY IMPACT THE RETIREMENT BOARD AND REQUEST THIS BE APPROVED, THANK YOU.

>> ANYBODY ELSE WANT TO SPEAK ON THAT ITEM? THANK YOU.

>> COUNCILMEMBER CONSTANT. I WANTED TO MAKE A COUPLE OF COMMENTS. I HAVE SEEN THE LETTER FROM THE ATTORNEYS AND INVOLVED IN SEVERAL DISCUSSIONS ON THIS. I THINK THAT THE PROCESS HAS ALWAYS BEEN THAT THE COUNCIL HAS THE ABILITY TO ASK QUESTIONS OF ANY APPLICANTS OR BOARDS AND COMMISSIONS INCLUDING THE RETIREMENT BOARD. I HEAR SOME PEOPLE SAY THAT THIS SETS A HIGH BAR FOR REQUIREMENTS OR PREREQUISITES TO BE ON THE BOARD THAT'S NOT THE INTENT. THE INTENT IS TO HAVE QUESTIONS THAT THE COUNCIL CAN ASK THAT CAN EVALUATE THE QUALIFICATIONS OF INDIVIDUAL APPLICANTS TO SELECT THE PERSON THAT THEY FEEL IS BEST FOR THE POSITION. AS THE CITY ATTORNEY MENTIONED, THIS IS NOT SOMETHING THAT IS NEW THIS HAS BEEN PROVIDED TO COUNCILMEMBERS FOR ALMOST EVERY APPOINTMENT TO ANY BOARD AND COMMISSION. WHAT TROUBLES ME IS THE FACT THAT WE, AS A CITY, AND THE RETIREMENT BOARDS, WE HAVE A RESPONSIBILITY WHEN WE DEAL WITH PUBLIC FUNDS. IF WE ARE NOT WILLING TO ASK QUESTIONS TO MAKE SURE OUR PUBLIC FUNDS AND THE FUNDS ENTRUSTED BY OUR EMPLOYEES FOR THE BETTERMENT OF THEIR RETIREMENT AND SURVIVOR'S RETIREMENT AND WE CAN'T ASK QUESTION THAT WILL HELP US SELECT THE BEST PEOPLE TO MANAGE THE FUNDS AND BE THE SHEPHERDS OF THE FUNDS THAT'S A SAD STATE OF AFFAIRS. I THINK WE SHOULD BE ABLE TO DO THAT. THE PROCESS THAT IS OUT LINED IS NOT PRECLUDE THAT FROM HAPPENING. MY UNDERSTANDING AND CORRECT ME IF I'M WRONG, IS THAT THIS WAS A QUESTION THAT AN

APPLICANT COULD DECIDE NOT TO ANSWER. IT WAS PROVIDED TO THEM AS A TOOL THAT THEY COULD HAVE AND THEY COULD HAVE IT IN ADVANCED TO THINK OF THEIR ANSWERS THAT MAY BE ASKED BY COUNCILMEMBERS.

>> THAT'S CORRECT. THIS IS NOT SET FORTH ANY MINIMUM QUALIFICATIONS IT IS JUST QUESTIONS THAT THE COUNCIL CAN ASK APPLICANTS TO FILL OUT SO THAT THEY CAN CONSIDER THAT IN APPOINTING A FIDUCIARY TO THE RETIREMENT BOARD.

>> AS SOMEONE WHO APPLIED TO SEVERAL COMMISSIONS AS A RESIDENT OF THE CITY AND APPOINTED TO ONE, I WOULD HAVE APPRECIATED GETTING SOME OF THE QUESTIONS AHEAD OF TIME VERSUS HEARING THEM FOR THE FIRST TIME IN A COUNCIL SESSION. I THINK THIS IS A DIRECTION WE SHOULD BE GOING. I THINK IF WE TALK A BIT ABOUT THE ONE THAT IS THE SEPARATE SHEET THE ONE SHEET THAT TALKS ABOUT THE CANDIDATES AVAILABILITY FOR THE POSITION, AGAIN, THAT IS SOMETHING THAT THESE ARE QUESTIONS THAT IF THE PURPOSE OF A PANEL IS TO FIND IF SOMEONE HAS THE TIME AVAILABLE TO COMMIT IN THE AVAILABILITY TO BE IN THESE, I DON'T SEE THE HARM IN ASKING THE QUESTIONS. I THINK IT IS A DIRECTION WE SHOULD BE GOING. I SAID THAT BEFORE AND CONTINUE TO SAY IT. WE HAVE A RESPONSIBILITY TO ALL OF OUR EMPLOYEES AND L FAMILIES TO MAKE SURE WE SELECT THE BEST PEOPLE TO BE THE FIDUCIARIES OF OUR FUND, WHICH I BELIEVE HONESTLY ARE PUBLIC FUNDS. I KNOW SOME YOU HAVE DON'T BELIEVE THEY ARE PUBLIC FUNDS BUT THEY ARE PUBLIC FUNDS AND THE CITY IS THE GUARANTOR OF THE FUNDS AND WE HAVE FIDUCIARY RESPONSIBILITY TO MAKE SURE WE MAKE THE APPROPRIATE SELECTIONS. THANK YOU.

>> COUNCILMEMBER NGUYEN.

>> THANK YOU.

>> I DON'T HAVE AN ISSUE WITH THE FIRST PART OF THE QUESTIONNAIRE BUT I DO HAVE HUGE CONCERNS ABOUT THE BACKGROUND CHECK AND REFERENCES. FOR EXAMPLE, ASKING THE APPLICANT THE WILLINGNESS TO PROVIDE A CREDIT REPORT. SOME OF THE SECTIONS IN THE BACKGROUND CHECK CAN BE A PROBLEM AND OBVIOUSLY IN DOING SO, I THINK WE ARE INTENTIONALLY WEEDING OUT APPLICANTS IN THEIR WILLINGNESS TO SERVE ON THE BOARDS. IS THERE A WAY TO GO AROUND THIS? THIS IS NOT SOMETHING WE ASK FROM OTHER COMMISSIONERS AND BOARDS AND COMMISSIONS.

>> IT IS REALLY THIS IS SOMETHING THAT THE COMMITTEE AND THE COUNCIL CAN DECIDE UPON WHAT KINDS OF QUESTIONS YOU WANT TO ASK. ONE ISSUE WITH RESPECT TO RETIREMENT BOARD MEMBERS IS THEY ARE TRUSTEES AND THEY ARE IN THE POSITION THAT IS DIFFERENT THAN ANY, POSITION. THIS IS NOT UNIQUE TO THIS REQUIREMENT OR RETIREE REQUIREMENT IT IS RETIREMENT MEMBERS. GET AS MUCH BACKGROUND SO WHEN YOU WANT SOMEONE IN A FIDUCIARY ROLE OF THE FUNDS YOU HAVE A COMFORT LEVEL THAT YOU PUT SOMEBODY THERE THAT IS HAS QUALIFICATIONS AND THAT HAS YOU ARE COMFORTABLE WITH THAT POSITION. BUT AGAIN, IT IS THE COUNCIL'S CALL. IF YOU ARE NOT

COMFORTABLE REQUESTING FOR THIS, TELL US. IT IS TO GET FEEDBACK ON THE QUESTIONS YOU WANT TO. I UNDERSTAND. I AM UNCOMFORTABLE ASKING THESE TYPES OF QUESTIONS FOR A POSITION SUCH AS COMMISSIONER ON THE BOARDS. I THINK THE FIRST PART OF THE SECTION, I THINK COUNCILMEMBER CONSTANT IS CORRECT. WE DO ASK THESE QUESTIONS WE ARE GIVING THE APPLICANTS THE OPPORTUNITY TO LOOK OVER THAT BEFOREHAND SO WHEN YOU COME IN YOU ARE PREPARED IN TERMS OF THE QUESTIONS THAT WILL BE ASKED. THESE QUESTIONS WOULD BE ASKED ANYWAY. IF THERE IS A MISUNDERSTANDING IN TERMS OF HOW WE CONDUCT OUR OUT REACH THAT IS SOMETHING WE SHOULD CONTINUE TO WORK ON. BUT I AM UNCOMFORTABLE ASKING THE BACKGROUND CHECKS AND THE REFERENCES.

>> IF I CAN FOLLOW UP ON COUNCILMEMBER NGUYEN'S COMMENTS. I'M UNCOMFORTABLE NOT ASKING THOSE QUESTIONS WHEN YOU HAVE 4-5 BILLION DOLLARS IN TRUST AND YOU HAVE INDIVIDUALS GUIDING INVESTMENTS IT IS PERTINENT TO KNOW IF THE PERSON WAS CONVICTED OF A CRIME INVOLVING FINANCIAL NATURES. THERE ARE PLENTY OF CRIMES THAT WOULD -- I WOULD BE CONCERNED IF SOMEONE FILED BANKRUPTCY TWICE. I THINK THOSE ARE QUESTIONS THAT ARE GERMANE TO THE JOB WE ARE ASKING THEM AND THEY ARE VOLUNTEERING TO DO. I THINK ONE PERSON MAY HAVE A BANKRUPTCY AND HAVE A STORY THAT EXPLAINS THAT BANKRUPTCY WHETHER IT BE A MEDICAL SITUATION THAT OCCURRED OR A PERSONAL FAMILY TRAGEDY IS ONE EXPLANATION AND SOMEONE ELSE COULD HAVE ONE THAT IS A COMPLETELY DIFFERENT SITUATION THAT INVOLVED FINANCIAL MISMANAGEMENT. THOSE ARE THINGS THAT ARE IN OUR PURVIEW. WE HAVE TO REMEMBER WE HAVE A FIDUCIARY RESPONSIBILITY TO THE RESIDENTS OF SAN JOSE WHO ARE THE GUARANTORS OF THIS. IF OUR FUND TANKS THE TAX PAYER IS ON THE HOOK. IF SOMEBODY HAS FINANCIAL ISSUES AND IS LOOKING AT THIS POSITION AS A WAY TO LEVERAGE THEIR INVESTMENTS AND GET PERSONAL GAIN THOSE ARE THINGS WE SHOULD LOOK AT. I THINK IT IS IMPORTANT AND THIS IS DIFFERENT THAN EVER OTHER COMMISSION WE HAVE. IT IS DIFFERENT BECAUSE THE BOARD MEMBERS HAVE PERSONAL FIDUCIARY RELIABILITY FOR THEIR ACTIONS NAY TAKE ON THE BOARD. THEY ARE HANDLING BILLIONS OF DOLLARS OF PUBLIC MONEY. IT IS DIFFERENT. THAT IS WHY WE SHOULD HANDLE IT IT DIFFERENTLY.

>> I AGREE WITH COUNCILMEMBER CONSTANT. GENERALLY. WE HAVE OUR OWN FIDUCIARY DUTY BUT THE TAX PAYERS GET STUCK WITH THE BILL IF IS THERE IS A PROBLEM AT THE RETIREMENT BOARD. SPUR HAS GIVEN WARNINGS THEY ARE LOOKING AT A 2-4 PERCENT INCREASE OF PAYROLL INCREASE CONTRIBUTIONS IN THE NEXT ROUND DUE TO THE PERFORMANCE IN THE STOCK MARKET THIS YEAR. WE WILL SEE SIMILAR INCREASES. ULTIMATELY THE TAX PAYERS DO HAVE THE HOLDING THE BAG. IT IS IMPORTANT WE GET GOOD PEOPLE ON THE BOARD AND HAVE THE INFORMATION WE NEED TO MAKE THE DECISION. BUT WE NEED TO RESOLVE THE ISSUE WHETHER OR NOT IT IS MEET AND CONFER. WE HAVE THE



MEMORANDUM. WE SHOULD GIVE THE CITY ATTORNEY LITTLE BIT OF TIME TO TALK IT THROUGH THE LEGAL ISSUES HOW WE PROCEED BEFORE WE MOVE AHEAD AND PROCEED. I WOULD LIKE TO GIVE THE CITY ATTORNEY A CHANCE TO TALK TO THE LARCENY OF THE BOARDS AND THE POA WITH THE MEMORANDUM OF UNDERSTANDING GET THE LEGAL STUFF SORTED OUT AND THEN WE CAN GET TO THE SUBSTANCE OF WHAT ARE THE APPROPRIATE QUESTIONS TO ASK.

>> WE CAN MEET AND CONFER ON WHETHER TO MEET AND CONFER.

>> I DON'T KNOW HOW YOU LAWYERS WORK THAT OUT. MEET AND CONFER ON HOW TO MEET AND CONFER.

>> I WOULD SUGGEST COMING BACK ON THE 19TH. 19TH?

>> 2 WEEKS.

>> SORT OUT THE LEGAL ISSUES AND THEN THE SUBSTANTIVE ISSUES OKAY WITH THE COMMITTEE. COUNCILMEMBER CONSTANT WILL NOT BE HERE ON THE 19TH.

>> THE NEXT RULES MEETING IS THE THIRD OF DECEMBER THANKSGIVING WEEK IS A RULES. WE CAN DO IT ON THE THIRD IF IT IS NOT TIME SENSITIVE.

>> OKAY. ON THE THIRD THEN. IS THAT ALL RIGHT. COUNCILMEMBER NGUYEN.

>> TAKE THIS UP ON THE THIRD. ALL RIGHT. THAT'S WHAT WE WILL DO, TAKE IT UP ON THE THIRD.

>> COME UP TO THE MICROPHONE.

>> MY UNDERSTANDING THE BALLOTS FOR THE CANDIDATES WERE COUNTED TODAY AND THE PANEL INTERVIEWS BETWEEN THE 3 MEMBER PANEL ARE TO TAKE PLACE TOMORROW IS THAT NOT TO HAPPEN NOW?

>> I THINK THOSE CAN MOVE AHEAD.

>> THE QUESTIONS THAT I WAS DEALING WITH THE QUESTIONNAIRE ISSUE. THE OTHER IS A CITY MANAGER REPRESENTATIVE INTENDED TO ASK QUESTIONS SET FORTH IN THE OTHER SHEET WHICH RELATE TO THE AVAILABILITY OF THE PERSON TO ATTEND MEETINGS ON A REGULAR BASIS. I THINK THAT IS CONSISTENT WITH THE MUNICIPAL CODE.

>> YEAH --

>> WE ARE NOT TAKING ACTIONS THAT AFFECT TOMORROW'S MEETING? YEAH.

>> OVER THE PROCESS. QUESTIONS OVER THE PROCESS. THANK YOU.

>> MR. MAYOR. TO CONFIRM OUR OFFICE DID OPEN THE BALLOTS AND THE INTERVIEWS ARE SCHEDULED FOR TOMORROW.

>> I DID GET AN E MAIL ON THE RESULTS OF THE ELECTION.

>> MR. MAYOR --

>> WOULD YOU SHARE THAT MR. MAYOR. WOULD YOU SHARE THAT?

>> NOT AT THIS MOMENT.

>> OKAY. THANK YOU.

>> WE DID, MR. MAYOR WE DID SHARE IT WITH THE ASSOCIATIONS. THE ASSOCIATIONS HAVE THE INFORMATION. MR. MAYOR, LIKE TO THANK YOU AND COUNCILMEMBER NGUYEN FOR GETTING STAKE HOLDER INVOLVEMENT. WE ARE ALL INVOLVED HERE AND I THINK WE ALL WANT THE

FUND TO BE SUCCESSFUL AND I THINK JUST MOVING UNLATERALLY IS NOT TO ANYBODY'S ADVANTAGE.

>> WE HEARD YOU.

>> WE NEED TO MOVE ON WE HAVE MORE THINGS ON THE AGENDA.

>> WE ARE DONE WITH THIS ONE. GI THINK THE NEXT THING ON THE AGENDA IS THE SUNSHINE TASK FORCE. RECOMMENDATIONS AND RETURN ON ISSUES.

>> THANK YOU, MR. MAYOR. WE ARE GOING TO START TODAY WITH AN ITEM WE LEFT OFF ON I THINK A COUPLE OF MONTHS AGO IN SEPTEMBER ON THE APPEALS PROCESS WHEN SOMEBODY BELIEVES THERE IS A BROWN ACT VIOLATION REGARDING A MEETING AND FOLLOWING THAT IF THERE IS TIME WE WILL START DEALING WITH FIRE RECORDS I WANTED TO WALK YOU THROUGH THE HAND OUTS YOU HAVE. THE FIRST IS A MATRIX AND IT IS THE ENTIRE ADMINISTRATION AND ACCOUNTABILITY SECTION. SECTION THAT WILL BE DISCUSSING TODAY REALLY STARTS MIDWAY THROUGH 8.5.020. THIS IS HERE AS A REFERENCE AS WE GET INTO IT. THE MORE RELEVANT DISCUSSION WE THINK WILL FOCUS ON THE POWER POINTS AND AFTER THAT THE OTHER 2 ITEMS DEAL WITH THE FIRE STATISTIC RECORDS. I WILL TURN THIS OVER TO LISA WHO WILL WALK YOU THROUGH MEETINGS VIOLATIONS. GOOD AFTERNOON. IF YOU ARE LOOKS LIKE YOU ARE LOOKING AT THE POWER POINT ON THE SCREEN, WHICH IS GOOD. IF YOU WANT TO FOLLOW MORE CLOSELY THE PACKET OF 3 MULTICOLORED FLOW CHARTS HERE WE'LL START WITH THE MIDDLE ONE. I WANTED TO START WITH BACKGROUND THE BROWN ACT SAYS A PERSON MAY FILE AN ACTION IN SUPERIOR COURT FOR THE PURPOSE OF STOPPING VIOLATIONS OF THE BROWN ACT. THE TYPES OF VIOLATIONS RELATE TO AS WE HAVE SEEN, NOTICING ISSUES, WHETHER FOR CLOSED SESSION, OPEN SESSION AGENDAS, SPECIAL MEETINGS, EMERGENCY MEETING AGENDAS. SERIAL MEETINGS WHERE COUNCILMEMBERS HAVE WORKED OUTSIDE OR DISCUSSIONS IN CLOSE THE SESSION THAT ARE TAKEN IN VIOLATION OF THE BROWN ACT THE BROWN ACT GIVES LEEWAY TO DISCUSS THINGS IN CLOSED SESSION. WE TALKED ABOUT THIS BEFORE. THERE ARE LIMITATIONS ABOUT WHAT CAN BE DISCUSSED IN CLOSED SESSION. THE REMEDY FOR BROWN ACT VIOLATIONS AND WHAT ONE WOULD DO IF SOMEONE FILED A COMPLAINT IN SUPERIOR COURT IS TO ASK FOR THAT ACTION TAKEN NULL AND VOID WITH EXCEPTIONS THAT ARE IN THE BROWN ACT. BUT THE LEGISLATIVE BODY WHETHER THE COUNCIL OR THE BOARD OF REDEVELOPMENT OR ANY OF YOUR BOARDS, COMMISSIONS OR COMMITTEES MUST BE GIVEN THE OPPORTUNITY TO CURE OR CORRECT THE ALLEGED VIOLATIONS. THAT'S THE LANGUAGE USED IN THE BROWN ACT. WE CHARACTERIZE TODAY AS A DO OVER. THAT'S THE WAY OF CORRECTING SOMETHING THAT HAS BEEN DONE OR ALLEGED TO ON HAVE BEEN DONE IN VIOLATION OF THE BROWN ACT. SO IN THE CASE OF DISCUSSIONS IN CLOSED SESSION THERE IS AN ADDITIONAL REMEDY AND THAT COULD BE THAT TO THE EXTENT THAT DISCUSSES TO THE SUPERIOR COURT THE SUPERIOR COURT COULD ORDER THAT SOME BE RECORDED

FOR FUTURE REVIEW. BUT THIS IS SORT OF THE BACKGROUND OF WHAT THE BROWN ACT PROVIDES. THE NEXT SLIDE REALLY GETS AT WHAT WE THINK TYPICALLY HAPPENS. IF SOMEONE BELIEVES THAT THE COUNCIL OR ONE OF THE BOARDS OR COMMISSIONS HAS VIOLATED THE BROWN ACT THEY WILL MAKE A COMPLAINT IT COME TO THE COUNCIL. CITY ATTORNEY HEARS ABOUT IT AND THE PRESS HEARS ABOUT IT. CITY ATTORNEY MAY REVIEW THE COMPLAINT AND THAT'S THE BOX BELOW THE COMPLAINT AND MAY GIVE ADVICE TO THE BODY. THE BOX TO THE SIDE OF THE COMPLAINT TO THE RIGHT SIDE IS THERE WILL BE MEDIA ATTENTION TO THE COMPLAINT. IN BOTH OF THOSE INSTANCES WHAT LIKELY WILL HAPPEN IS THE BODY THAT ALLEGED TO COMMITTED THE VIOLATION OF BROWN ACT THE CURE IT. WILL DO THE DO OVER WE TALKED ABOUT. ONLY IN THE INSTANCE WHERE THE BODY REFUSED TO CURE THE VIOLATION WILL THE COMPLAINT HAVE AN OPPORTUNITY TO GO TO SUPERIOR COURT. THERE IS A SEPARATE SECTION HERE THAT DEALS WITH THE POSSIBILITY THAT SOME OF YOUR BOARDS OR COMMISSIONS MIGHT BE ACCUSED OF VIOLATING THE BROWN ACT IN SOME WAY AND WE THINK THAT THE BASIC THE WAY THAT WOULD COME TO COUNCIL FOR A CURE BE CURED AT ALL IF THE CITY COUNCIL WOULD HAVE SOME DISCUSSION WITH THAT COMMISSION AND THEN AGAIN WITH THAT UNSATISFY THAT COULD BE A COMPLAINT FILED IN SUPER COURT. SORRY I HAVE SOMETHING IN MY THROAT NOW. I THINK I'M ALL RIGHT NOW. DUST. YOU WILL RECALL, I'M GOING BACK. ANY QUESTIONS ABOUT WHAT THE BROWN ACT PROVIDES AND HOW THIS USUALLY PLAYS OUT IN THE PUBLIC PROCESS?

>> COULD WE THINK ABOUT SOME EXAMPLES. WE ARE FAMILIAR WITH OUR CITY COUNCIL. I'M THINKING ABOUT THE OTHER BODIES.

>> SURE.

>> COMPLAINTS WE HAVE. WE HAVE FEW. I CAN THINK OF 2 COMPLAINTS IN THE LAST 8 YEARS AND HOW THOSE GET RESOLVED. I THINK PEOPLE SAID, YOU HAD A CLOSED MEETING. WE HAD ONE WITH EVERGREEN TASK FORCES AND PEOPLE COMPLAINED. I THINK THE CITY ATTORNEY SAID, YOU HAVE TO OPEN UP YOUR MEETINGS.

>> THAT HAPPENED. [INAUDIBLE].

>> THAT'S RIGHT THE CAL PINE ADVISORY, TOO.

>> YOU HAVE TO OPEN YOUR MEETINGS TO THE PUBLIC.

>> OTHER EXAMPLE IS PROBABLY STILL RARE BUT WHEN WE MISS A NOTICING FOR A MEETING WHAT HAPPENS IS WE RESCHEDULE THE MEETING OR RESCHEDULE THE ITEM THAT WAS NOT PROPERLY NOTICED.

>> USUALLY THE CASES, IT IS USUALLY WE HAVE NOT NOTICE TODAY BROAD ENOUGH SO PEOPLE MAY WANT TO TALK ABOUT THEY CAN'T TALK ABOUT AT THAT MEETING THEY HAVE TO BRING IT BACK. THAT'S THE OPPOSITE OF WHAT WE ARE FACED WITH HERE. THERE HAS BEEN A CASE. I WAS TRYING TO THINK OF EXAMPLES AND ONE CAME TO MIND THAT IS THE RETIREMENT BOARDS GO TO CLOSED SESSION ON DISABILITY AND REQUIREMENTS BECAUSE THEY DEAL WITH SENSITIVE MEDICAL RECORDS. WE HAVE BEEN QUESTIONED TO WHAT AUTHORITY THERE IS AND

THE BROWN ACT CAN INTERPRET IT EITHER WAY. WE HAVE TAKEN THE SIDE THAT YOU CAN GO IN FOR THAT LIMITED PURPOSE. THAT HAS BEEN RAISED AS AN ISSUE. I DON'T KNOW WHAT THE CURE WOULD BE. IF THEY CAN'T CONSIDER THAT DATA OR INFORMATION IT WOULD BE [INAUDIBLE] FOR THEM TO DO THEIR JOB.

>> ANY CURE THAT IS DONE WHETHER IN THE CONTEXT OF A COMPLAINT IN A SUPERIOR COURT OR OTHERWISE IS NEVER DEEMED BE AN ADMISSION THAT THE LEGISLATION VIOLATED THE BROWN ACT. .

>> IS THAT WHY THE CITY ATTORNEY SAYS, IN CAUTION THEETS CURE THIS?

>> THAT AND ALSO THE COUNCIL IN THE PAST HAS WANTED TO AVOID A PUBLIC PERCEPTION THAT THERE MAY HAVE BEEN A VIOLATION. IT IS POLICY MATTER AND LEGAL ISSUE.

>> IF YOU LOOK AT THIS SLIDE LOOK AT THE COMPLAINT AND MEDIA ATTENTION EQUALS A PERCEPTION OF FAULT. BECAUSE OF THE ATTENTION THAT IS BROUGHT ON THESE THINGS OUR EXPERIENCE IS THAT WHEN THAT HAPPENS THE DO OVER MAKES SENSE TO AVOID THE PERCEPTION WHETHER OR NOT THERE WAS A VIOLATION.

>> I WANTED TO GO BACK TO THE FIRST CHART. IT WILL SHOW UP ON THE SCREEN. LOOK THE AT THIS ON SEPTEMBER 17TH. WE WENT THROUGH WHAT STAFF UNDERSTOOD THE COMMITTEE'S DIRECTION FOR A PROPOSED APPEAL'S PROCESS AS IT RELATED TO RECORDS. I THINK THE COMMITTEE APPROVED THIS PROCESS AND SAID, STAFF YOU GOT IT RIGHT. THIS LOOKS LIKE WHAT WE WANT TO DO. I WANTED TO PUT THIS BACK UP HERE TO REMIND YOU THAT THIS WAS A PROCESS THAT I THINK WORKS WELL FOR RECORDS. ALLEGATIONS ABOUT BROWN ACT VIOLATIONS MAY NOT FIT INTO THIS. THIS PULLS INTO PLAY THE ELECTION A COMMISSION. I THINK IT WILL BE UP TO THE BODY THAT IS ALLEGED TO HAVE VIOLATED THE BROWN ACT AND WHETHER OR NOT THEY WILL CURE THE ACTION. TO THE EXTENT THERE IS REVIEW, I'M NOT SURE HOW HELPFUL IT WOULD BE. WE TALKED ABOUT THAT INTERNALLY. I WANT TO THROW THAT OUT THERE. AND I ALSO WANTED TO SUGGEST OR GIVE SOME INFORMATION ABOUT WHAT STAFF UNDERSTOOD THE INTENT OF THE TASK FORCE TO BE. AND WHEN THE TASK FORCE MADE ITS RECOMMENDATIONS ABOUT SETH UP ADMINISTRATIVE APPEAL PROCESS FOR MEETINGS VIOLATIONS. ONE WAS REALLY TO ESTABLISH SOME FINDING. SO THAT PERCEPTION OF FAULT WE SAW ON THE OTHER SLIDE -- HAD A PROCESS WHERE THE OPEN GOVERNMENT OFFICER OR THE OPEN GOVERNMENT COMMISSION THAT THEY PROPOSED, WOULD ISSUE A FINDING. IT WAS TO SET UP SOME ADMINISTRATIVE PROCESS TO APPEAL COMPLAINTS MADE ABOUT BROWN ACT VIOLATIONS THAT MAY NOT BE 0 WORKABLE M THIS MODEL. SO, THE FACT THAT'S WHAT WE WANTED TO ON BRING TO YOU TODAY.

>> IS THIS IS AN AREA WHEN WE LOOK AT WHAT HATCHED THE REALITY IS EVERY TIME AN ISSUE IS RAISED WE HAVE DONE THE DO OVER. SO, IF YOU ARE -- IF YOU HAVE DONE A DO OVER THE IDEA OF APPEAL PROCESS, THIS IS SETTING UP A COMPLICATED APPEAL PROCESS THAT THE TASK FORCE

ANTICIPATED FOR THE FACT THAT EVERY TIME IT HAS COME UP THE BODY IN QUESTION HAS DONE A DO OVER BECAUSE OF THE PERCEPTION ISSUE. WE THINK IT IS A SOLUTION IN SEARCH OF A PROBLEM. IN THE WORLD IN WHICH WE ACTUALLY OPERATE.

>> AND I SHOULD ADD, RICK AND I SPOKE BEFORE THIS, THERE IS THE RARE CASE IN WHICH WE LEARN OF A COMPLAINT OF AN ALLEGED VIOLATION LATER AFTER THE FACT THAT THERE IS NOT THE ABILITY TO DO THAT CURE. BUT THAT IT IS EXTREMELY RARE.

>> I WOULD CHIME IN THAT THERE IS THE REMEDY. IT IS MENTIONED YOU SHOULDN'T HAVE TO GO TO ON COURT OR DA IN THAT CASE IF THE DISTRICT ATTORNEY LOOKS AT IT AND ASKS SERIOUS QUESTIONS ABOUT IT YOU ARE MORE LIKELY THAN NOT TO LISTEN TO THE DA OR AT THE SUPER COURT THE RISK SUARE EXPOSED FOR ATTORNEY'S FEES WHICH IS A VERY, IN THOSE CASES WHERE IF IT IS A CLOSE CALL. I'M SPEAKING HYPOTHETICALLY. I DON'T SEE WHERE IT GETS THAT FAR WHERE THERE ARE PERCEPTION THE COUNCIL HAS OPTED TO DO IT OVER AS MENTIONED HERE.

>> THE QUESTION IS, DO YOU WANT TO ESTABLISH AN ADMINISTRATIVE PROCESS FOR AN APPEAL OF COMPLAINTS OF VIOLATIONS TO THE BROWN ACT AND IF SO HOW DO YOU WANT THAT TO LOOK?

>> COULD YOU GO BACK TO THE PREVIOUS SLIDE THERE IS NOTHING FASTER THAN MEDIA PERCEPTION EQUAL FAULT. THERE IS NO ADMINISTRATION PROCESS THAT IS QUICKER THAN THAT? IT IS THE WORLD WE LIVE IN AND THAT'S WHY WE DO THE DO OVERS. EVEN WHEN THERE IS NOT MEDIA ATTENTION WHEN PEOPLE SAID THE COMMITTEE DID SOMETHING.

>> YOU CAN ADD, RULES COMMITTEE BECAUSE YOU GET COMPLAINTS FIRST. BEFORE IT GETS TO COUNCIL.

>> THE GOT 48 BOARDS AND COMMISSIONS? 48 OF THEM? IF ONE OF THEM IS -- I THINK OF ONE I HAD COMPLAINT IN THE PAST ANIMAL ADVISORY COMMITTEES. BACK WHEN WE DIDN'T KNOW WHAT IT WAS MUCH NOW WE HAVE DEFINED THEM. IF WE HAVE AN OBSCURE COMMITTEE THAT'S HAVING COMPLAINTS ABOUT THE BROWN ACT VIOLATIONS -- MEDIA MAY NOT CARE ABOUT IT BECAUSE IT IS OBSCURE. ANYBODY WHO WANTS TO COMPLAIN CAN COME TO THIS COMMITTEE SO WE HAVE A CHANCE TO SAY, I THINK THAT COMMITTEE IS NOT FOLLOWING OUR POLICIES AND LET'S 60 CITY ATTORNEY AND CITY CLERK ON THEM TO GET IT FIXED. I DON'T SEE ANYTHING BETTER THAN THIS ESPECIALLY IF YOU PUT RULS AND OPEN GOVERNMENT IN THE MIDDLE SO IF SOMEONE HAS A COMPLAINT THERE IS A QUICK AND IMMEDIATE OPPORTUNITY FOR A PUBLIC FORUM. WE ARE HERE EVERY WEEK MUCH DOESN'T TAKE MUCH TIME TO HAVE US TAKE UP A DISCUSSION. CITY ATTORNEY AND CLERK IS HERE AND CITY MANAGER IS HERE IT GETS ATTENTION IMMEDIATELY. I WOULD ADD RULES AND OPEN GOVERNMENT COMMITTEE INTO THAT SOMEHOW.

>> ALL RIGHT.

>> WE WILL AMEND THAT AND BRING THAT BACK TO YOU.

>> I LIKE TO MAKE A SUGGESTION ON THE VISUALS. BECAUSE WHEN YOU LOOK AT THIS PAGE, IT LOOKS LIKE THIS INCREDIBLE CIRCULAR BUREAUCRACY YOU WILL NOT GET OUT OF BUT IT IS SIMPLE. I THINK THE REASON IS BECAUSE WE ARE TRYING TO TIE THE DIFFERENT BRANCHES TOGETHER. I THINK IT WOULD BE A LOT CLEARER FOR THE PUBLIC TO UNDERSTAND AND PEOPLE IN OUR ORGANIZATION TO UNDERSTAND IF WE HAVE A STRAIGHT LINEAR CHART. IF YOU PUT THE SUPERIOR COURT IN 3 DIFFERENT PROCESSES IT WOULD BE BETTER. YOU HAVE ONE FLOW CHART IF IT BRANCHES OFF YOU HAVE ONE LINE INSTEAD OF LOOPING BACK. THAT'S WHAT MAKES THIS COMPLICATED LOOKING. YOU MIGHT HAVE MORE BOXES BUT YOU WOULD SEE A LINEAR PROGRESSION VERSUS THE CIRCULAR. IT LEADS TO CONFUSION. THAT'S A SUGGESTION FOR PROCESS. BECAUSE WHEN WE ARE DONE WITH THIS, WE GOT TO ON BE ABLE TO EXPLAIN IT TO THE PUBLIC. IT IS EASIER TO SAY, START HERE AND GO THIS WAY AND IF YOU GET SI VERTED GO DOWN THE LINE AND TRYING TO EXPLAIN THE SUPER COURT IS HERE BUT YOU HAVE 3 WAYS TO GET THERE.

>> I WILL HAVE TO REDUCE THIS TO WORDS SO IT WILL BE CLEAR AND YOU WILL BE ABLE TO ON FOLLOW THEM.

>> IT IS SIMPLE, ACTUALLY IN PRACTICE.

>> RIGHT.

>> YOU MAKE A REQUEST. IF YOU DON'T GET THE RESPONSE YOU LIKE YOU TAKE IT UP THE CHAIN OF COMMAND. THROUGH THE DEPARTMENT AND CITY MANAGER'S OFFICE AND CITY MANAGER AND COUNCIL. IF YOU DON'T LIKE THAT OR SUPERIOR COURT. IT IS PRETTY SIMPLE. THE CHART IS INTERESTING. NOT THE WORST CHART WE HAD OTHERS THAT WERE MORE COMPLICATED THAN THAT.

>> YOU SHOULD HAVE SEEN EARLIER VERSIONS OF THIS.

>> LEAVE THE CHART OUT AND PUT IT IN WORDS THAT ARE STRAIGHTFORWARD.

>> ANYTHING ELSE ON THIS? COMFORTABLE WITH THAT DIRECTION?

>> THE NEXT TOPIC IS FIRE STATISTICAL REPORTS WE HAVE 2 PEOPLE HERE DAVE ZANKER IS A SUNSHINE TASK FORCE MEMBER AND WAS THE MORE INTERESTING MEMBERS OF THE TASK FORCE HE WANTED TO MAKE A COUPLE OF QUICK OPENING COMMENTS. AND I WILL WALK YOU THROUGH THIS PARTICULAR PROPOSAL AND THE FIREFIGHTER IS HERE TO ANSWER QUESTIONS.

>> GOOD AFTERNOON I'M DAVE ZANKER A NEIGHBORHOOD REPRESENT ON THE SUNSHINE TASK FORCE FOR THE LAST 2-3 YEARS.

>> WANTED TO MAKE A COUPLE OF COMMENTS ABOUT THE IMPORTANCE OF THIS SUBJECT. AMONG THE MANY ESSENTIAL SERVICE PROVIDE BY THE CITY THE MOST ESSENTIAL ARE THOSE PROVIDED BY THE FIRE AND POLICE DEPARTMENT. FIREFIGHTER IS A RELIABLE PROVIDER OF SERVICE IN OUR CITY WE TAKE ADVANTAGE OF THE RESPONSIBILITIES THEY HAVE IN SERVING US. PROTECTING PRIVATE AND PUBLIC PROPERTY AND CARE FOR PATIENTS WITH INJURIES AND FACED WITH OPPORTUNITY TO SAVE LIFE AND

LIMB AND CALLED UPON 150 TIMES A DAY MUCH THE CITY INVESTMENT -- THE CITY'S SECOND LARGEST BUDGET APPROXIMATE COMMITMENT THE FIREFIGHTER NEEDS A FUNDING STREAM TO CARRY OUT THEIR MISSION. THESE ARE PUBLIC INTEREST. WE WANT TO KNOW THE FUNDING COMMITMENT FOR SERVICES IS APPROPRIATE. FOR THAT REASON THAT IT WAS A UNANIMOUS OPINION OF THE SUNSHINE TASK FORCE THAT IT IS IN THE PUBLIC'S INTEREST TO BE PROVIDED WITH MORE INFORMATION WITH HOW THE FIREFIGHTER PROVIDES TASKS. THE HISTORY IN PROVIDING DATA HAS NOT BEEN GREAT THE FIRE DEPARTMENT'S WEBSITE HAS NOT BEEN UPDATED IN 4 YEARS. PROPOSAL THAT YOU HAVE BUFFER TODAY FROM THE TASK FORCE LISTS BASIC MEASURES. MOST OF THE MEASURESES ARE NUMBERS AND REPORTS THAT MAY ALREADY GATHERED BECAUSE WE GOT THEM FROM THE CITY BUDGET DOCUMENT. AS YOU PROBABLY ALREADY KNOW THE SAN JOSE FACHT FIRE DEPARTMENT PROVIDES FOR THE CITY THROUGH THE COUNTY OF SANTA CLARA. AS A REQUIREMENT OF THAT CONTRACT RESPONSE TIME AND CALL TIME DATA REPORTS ARE ALREADY GENERATED. IN SAN JOSE RESPONSE TIMES ARE MEASURED AND COMPLIANCE IS CALCULATED THEY SHOW STATISTIC ON ARRIVAL AND HOW OFTEN ENGINES GO TO AREAS. ALL OF THIS IS PART OF THE EMS CONTRACT AND PRODUCED MONTHLY. WE BELIEVE THIS IS A PUBLIC INTEREST. I THINK IT WOULD BE GREAT MOTIVATION FOR THE DEPARTMENT TO RELEASE IT TO THE PUBLIC. DEPARTMENT IS COMPLIANT MORE THAN NOVEMBER PERCENT OF THE TIME IN ONE MONTH. EVERYTHING I TALKED ABOUT HAS BEEN MEDICAL DATA. WHAT ABOUT FIRE REPORTS? I HAVE NOT INVESTIGATED WHETHER OR NOT THE DEPARTMENT IS GENERATING FIRE DATA. IF THEY ARE THESE COULD SATISFY SOME OF THE STUFF WE ARE ASKING FOR UNDER THE SUNSHINE PROPOSAL. WHAT CONFUSES US IS STAFF'S RESPONSE. THEY SUGGEST THEY NEED 1 AND A QUARTER FTE'S TO GET THE JOB DONE. WE ARE ASKING FOR A QUARTERLY CYCLE. MOST OF THE REPORTS I MENTIONED ARE BEING PRODUCED ON A MONTHLY BASIS. I WANTED TO MOSTLY BRING TO OUR ATTENTION THAT THE MAJORITY OF THE REPORTS THAT WE ARE ASKING FOR ARE ALREADY BEING PRODUCED. THE FACT THAT THEY ARE SUGGEST THAT THIS CAN ONLY BE DONE ANNUALLY IS CONFUSING. AND THE FACT THAT THEY BELIEVE THEY NEED MORE RESOURCES TO DO THEM IS ALSO CONFUSING WHEN IN FACT THE INFORMATION IS BEING PROVIDED AT LEAST TO THE DEPARTMENT ON A MONTHLY BASES AS IT IS.

>> THANK YOU.

>> THANKS FOR YOUR SERVICE ON THE TASK FORCE. I THINK YOU ARE ALMOST DONE BUT -- THERE DOES SEEM TO BE MORE WORK TO BE DONE. TOM.

>> THANK YOU, MR. MAYOR. WHAT I THOUGHT MIGHT BE HELPFUL IS TO TALK ABOUT TO STICK ON THE FIRST ONE FOR NOW. TALK ABOUT THIS ISSUE. THERE IS REALLY 3 DIFFERENT WAYS THERE ARE 3 QUESTIONS THAT I THINK WE NEED TO ADDRESS. ONE, CAN THE REPORTS BE CREATED? I THINK THAT IS SOMETHING THAT MR. ZANKER HAS RAISED APPROPRIATE

QUESTIONS ABOUT. NEXT, SHOULD THE REPORTS BE POSTED? AND FINALLY, WHAT VALUE IS ADDED BY CREATING THE REPORTS QUARTERLY VERSUS MAKING SURE THE INFORMATION IS AVAILABLE WHEN NEEDED TO EVALUATE FIRE DEPARTMENT PERFORMANCE. CAN THE REPORTS BE CREATED? THIS SHOWS THE DIFFERENT REPORTS MR. ZANKER WAS TALK ABOUT THIS TASK FORCE ASKED FOR. WE WILL TALK ABOUT THEM I WILL TALK ABOUT THEM IN THE -- YOU WILL SEE 8 LARGE CATEGORIES THE FIRST IS CITY WIDE REPORTS OF FIRES, INJURIES FATALITIES AND EMS RESPONSES. NEXT. PERCENTAGE OF EXPERIENCE TIMES 8 MINUTES WITHIN 911 THE NUMBERS AND TYPES OF RESPONSES FROM EACH FIRE STATION. THE CITY WIDE PERCENTAGE OF FIRES CONTAINED IN THE ROOM WHERE IT STARTED OR THE STRUCTURE. CITY WIDE PERCENTAGE OF FIRES WHERE THE CAUSE WAS DETERMINED AND A REPORT BREAKING OUT THE FACTORS OF WHY A PERCENTAGE OF ARSON CASES REFERRED TO PROSECUTION. PERCENTAGE OF INSPECTIONS AND THE CITY WIDE AVERAGE COST THE CALLS PER SERVICE. THE DEPARTMENT HAS IS IN THE MIDST OF IMPLEMENTING A NEW RMS SYSTEM IT IS PURCHASED AND INSTALLED. THEY ARE TRAINING NOW AND WILL BEGIN USING THE RECORD MANAGE SYSTEM STARTING JANUARY FIRST. AS THAT IS BEING IMPLEMENTED, IT IS IMPLEMENT INDEED PHASES. WHAT YOU WILL SEE WITH THIS CHART IS THAT A NUMBER OF THE REPORTS CAN BE PROVIDED ESSENTIALLY EFFECTIVE APRIL FIRST. THEY'LL START USING THE NEW SYSTEM ON JANUARY FIRST AND YOU WOULD HAVE A ONE QUARTERS WORTH OF DATA AVAILABLE AS OF APRIL FIRST. AND THE 2 AREAS THERE WHERE YOU SEE X'S OUT TO THE FAR RIGHT MOVING TO THE 2009-2010 FISCAL YEAR, THOSE ARE THE 2 AREAS WHERE THEY WILL NOT BE INITIALLY POPULATING THE DATA TO THE DATA BASE. I WOULD NOT HAVE THE ABILITY TO USE THE RMS SYSTEM TO PROVIDE REPORTS UNTIL A LATER DATE. THE REPORT SYSTEM WILL BE CAPABLE OF SPITTING OUT THE REPORTS EASILY. THE MORE CHALLENGING QUESTION FOR THE DEPARTMENT AND THIS IS WHERE WE GET TO THE REQUEST FOR ADDITIONAL RESOURCES; IS THAT LIKE ANY SYSTEM, IT IS A BIT OF GARBAGE IN AND OUT. YOU NEED TO AT SOME POINT GO BACK AND VALIDATE THE DATA BEFORE YOU ISSUE REPORTS. THIS IS NOT WITH THE FIRE DEPARTMENT. I EXPERIENCED THIS WHEN WE GET A PAYROLL REQUEST FROM THE MERCURY NEWS WHERE THEY WOULD LIKE A PRINT OUT OF EVERY CITY EMPLOYEE'S PAY. SOMETHING'S GOT TO VALIDATE THAT AND LOOK AT, WHY IS THIS NUMBER SO SKEWED. IT DOESN'T MAKE SENSE. TO ON GO BACK AND UNDERSTAND THAT AND MAKE SURE THAT THE DATA IS ACCURATE BEFORE IT IS REPORTED OUT. POLICE DEPARTMENT HAS THE SAME ISSUE WITH ITS STATISTICAL REPORTS. IT IS ONE THING TO PRINT OUT A REPORT COMING OUT OF A COMPUTER. IT IS ANOTHER THING AND SOMEBODY NEEDS TO GO THROUGH THE REPORT BEFORE IT IS RELEASED TO VALIDATE THE DATA. THAT'S WHERE THE RESOURCE CONCERN LIES ON THAT. I THINK THE SYSTEM WILL BE CAPABLE OF PRODUCING THESE REPORTS MORE EASY ONCE IT IS RUNNING EARLY NEXT YEAR. QUESTION OF SHOULD THE



REPORTING ARE ON LINE. THERE IS A VALUE OF MAKING THIS INFORMATION AVAILABLE TO THE PUBLIC THE ANSWER IS THE DEPARTMENT DOESN'T HAVE ANYBODY ASSIGNED TO UPDATING THE WEBSITE. MR. ZANKER IS RIGHT, THE INFORMATION ON THERE IS OUT OF DATE. IT IS OUT OF DATE FOR A REASON. THEY DON'T HAVE PERSONNEL. THIS IS SOMETHING WE ARE SEEING CITY WIDEACE WE MOVE MORE AND MORE TO USING THE WEB AS A COMMUNICATIONS TOOL AND PLACING STUFF ON THE WEB. WE ARE NOT RESOURCED AS AN ORGANIZATION TO JUST POST EVERYTHING. SO THAT IS AN ISSUE FOR THE FIRE DEPARTMENT AND A BROADER ISSUE FOR US TO LOOK AT AS A CITY. I WANT TO ADDRESS THE LAST QUESTION OF WHAT VALUE IS ADDED? AND AS I SAID, WE BELIEVE THE INFORMATION IS USEFUL TO THE DEPARTMENT IN MANAGING THE PERFORMANCE AND ALSO TO THE COMMUNITY THE COMMUNITY SHOULD KNOW THIS INFORMATION. AS THE RULES COMMITTEE IS AWARE, WE ARE WITHIN THE ORGANIZATION TAKING ON A CITY WIDE EFFORT TO REDUCE BUREAUCRACY AND MAXIMIZE EFFICIENCY. AND I WOULD SAY IN LIGHT OF THAT EFFORT WE WOULD SUGGEST THAT RULES CONSIDER MAKING THE REPORTS AVAILABLE ANNUALLY WHICH ALLOWS THE DEPARTMENT MORE TIME TO VALIDATE THE DATA WHEN THE REPORT IS PUT OUT AND ALSO WOULD BE CONSISTENT WITH OUR ON GOING BUDGETING PROCESS. IN OTHER WORDS, THAT INFORMATION OUGHT TO BE AVAILABLE AS WE GO THROUGH THE BUDGETING PROCESS TO MAKE SURE WE KNOW WHAT THE PERFORMANCE IS HOW THEY STACK UP AGAINST THEIR PERFORMANCE MEASURES THAT ALLOWS THE COUNCIL TO MAKE INFORMED DECISIONS ABOUT THE RESOURCES NECESSARY TO BE MEETING THE PERFORMANCE MEASURES OR MONITOR THAT. THAT I WILL TURN IT OVER TO YOU TO ASK QUESTIONS?

>> OKAY. ON THE FREQUENCY ISSUE, I'D LIKE TO KNOW WHAT IT TAKES TO DO IT ONCE BEFORE I DECIDE IT SHOULD BE DONE QUARTERLY. IT IS NOT CLEAR THAT WE KNOW THE ANSWER TO THAT QUESTION. AT THIS POINT. BECAUSE WE HAVE NOT RUN THE DATA THROUGH THE SYSTEM YET. YOU COULD POST IT EVERY TIME YOU RUN THE REPORT IF YOU HAVE HIGH LEVEL OF CONFIDENCE IN YOUR DATA AND DON'T HAVE TO SPEND ALOT OF TIME VALIDATING IT. IF IT TAKES HOURS TO VALIDATE IT FOR PUBLIC RELEASE IT IS A DIFFERENT QUESTION.

>> WE WILL NOT KNOW UNTIL WE HAVE THE SYSTEM UP AND RUNNING. I SUSPECT THAT IF I WERE TO GUESS, I'M SPEAKING FOR THE DEPARTMENT HERE BUT I THINK THAT AS THE SYSTEM IS UP AND RUNNING AND HAS MORE OF A TRACK RECORD AND WE HAVE MORE OF A SENSE EVER, YEA, THE DATA IS AVAILABLE AND WE ARE GETTING THE DATA IN CORRECTLY. WE ARE NOT SEEING PROBLEMS WITH IT. I THINK THE COMFORT LEVEL WOULD BE HIGHER IN TERMS OF KNOWING THAT, YEA, WE DON'T -- THE PROCESS OF VALIDATING THAT DATA AND GOING THROUGH ALL OF THE REPORT SYSTEM NOT AS TIME CONSUMING AS WE THOUGHT. UNTIL WE HAVE A CHANCE TO TEST THAT IT IS A CONCERN; CORRECT.

>> JUST A QUESTION, I GUESS FOR DOWN THE LINE. I KNOW THAT VALIDATING THE DATA IS AN IMPORTANT CONCERN. I WOULD HOPE THAT

ONCE WE GET GOING WE GET FOCUSED ON VALIDATING THE INPUT VERSUS THE OUT PUT.

>> UH-HUH.

>> MY QUESTION WOULD BE WITH THE RMS SYSTEM THAT WE ARE IMPLEMENTING, IS IT CAPABLE OF PRODUCING DATA THAT CAN BE MORE DYNAMICALLY RETRIEVED FOR THE WEB. SELF QUERY AT A WEBSITE AND GET ALL OF THE INFORMATION BACK FROM A CUSTOM QUERY DESIGNED BY WHOEVER HAPPENS TO BE VISITING THE WEBSITE. IS THAT SOMETHING WHERE THE DATA COULD BE PUSHED TO A SEPARATE APPLICATION?

>> I'M ACTING DIRECTOR FOR THE FIRE DEPARTMENT. THE DIRECTION WE ARE HEADING TO CREATE A DASH BOARD TO BE USED BY INTERNAL MANAGERS TO HAVE A REAL TIME IDEA OF WHAT IS HAPPENING IN TERMS OF RESPONSE TIME PERFORMANCE, UNIT AVAILABILITY AND OTHER ISSUES RELATED TO TRAINING AND TO THE POINT THAT WAS MADE BY TOM AS WELL. AS WE GET A BETTER FEEL FOR THE SYSTEM IN TERMS OF WHAT WE BUILD INTO IT THIS ALLOWS US TO PUT CONTROLS IN PLACE. FOR EXAMPLE, I THINK DAVE IS AWARE, BLOOD PRESSURE, SOMEONE MIGHT PUT IT IN AS 80/120 AND THE SYSTEM WILL SAY THIS DOES NOT LOOK ACCURATE. IT HAS OTHER ERROR CHECKING FEATURES. THOSE TAKE TIME TO BUILD INTO IT. AS YOU POINTED ABOUT THE QUALITY ASSURANCE PIECE, A BIG PART IS THE TRAINING PIECE SO PEOPLE UNDERSTAND THE IMPORTANCE OF THE SYSTEM, WHAT WE ARE TRYING TO ACCOMPLISH WITH IT AND WE GET MORE BUY IN AND HAVE AN EASIER USE. SYSTEMS WE HAVE IN PLACE ARE A PROBLEM AND THEY ARE DIFFICULT TO NAVIGATE. IF YOU DON'T FILL IN ONE FIELD IT WILL NOT LET YOU MOVE ON TO THE NEXT AND PEOPLE WORK AROUND IT. YOU EXPERIENCED THAT WITH LAW ENFORCEMENT. THE OTHER ISSUES ARE THE LACK OF STANDARDIZATION OF THE YARDSTICKS. THAT IS, FOR EXAMPLE, FIRE SPREAD. THAT IS A MEASURE WE PUT IN OUR BUDGET DOCUMENT THIS GOINGS TO TOM'S REFERENCE TO THE QUALITY ASSURANCE ASPECT. IN THE INDUSTRY TODAY THERE IS NO STANDARD METHOD FOR MEASURES FIRE SPREAD. WHAT CONSTITUTES SPREADING BEYOND ROOM OF ORIGIN. WE SEE A 10 FOLD INCREASE IN LOSS OF LIFE AND PROPERTY. IT IS AN IMPORTANT THING TO MEASURE. AS WE WORK TO IMPLEMENT THE SYSTEM WE ARE STANDARDIZING THE METHODS OF ASSESSMENT AND EDUCATING OUR FIRE OFFICERS SO, THIS WILL BE A PROGRAM THAT WILL INVOLVE AND IMPROVE IN ACCURACY. THE KEY IS WE WANT DATA OUT THERE BECAUSE WE ASSUME THE PUBLIC IS USING THIS AS A DASH BOARD. HOW WILL WE BE DOING? HOW GOOD IS THE SERVICE? IF WE DON'T HAVE GOOD INPUT IT GARBAGE IN AND GARBAGE OUT. WE WANT A GOOD PROGRAM IN PLACE AND A SYSTEM PEOPLE CAN RELY ON THAT PROVIDES AN INDICATION OF HOW WELL WE ARE DOING.

>> OKAY.

>> I WOULD LIKE TO MAKE A COMMENT I APPRECIATE WE ARE IN THE PROCESS OF BUILDING THIS WE HAVE A WONDERFUL LOAF OF BREAD THAT HAS BEEN HERE FOR 10 YEARS AND PROVIDING GREAT DATA WHY NOT

PUBLISH THAT NOW IF IT IS GOOD ENOUGH FOR THE COUNTY CONTRACT WHY NOT GOOD ENOUGH PUBLIC? I DON'T GET IT.

>> LET ME RESPOND. YOU ARE CORRECT. BECAUSE THE COUNTY CONTRACT WE HAVE CERTAIN REPORTING REQUIREMENTS THAT COME OUT TODAY AS A REPORT OUT OF CAD. IT IS IN A SPREADSHEET FORMAT AND AMR PROVIDES IT WITH THE SPREADSHEET. IT IS NOT SET UP FOR GENERAL CONSUMPTION IN TERMS OF WHAT THE PUBLIC WOULD GET VALUE OUT OF. IT IS ENTIRELY WE COULD MOVE THAT OUT AND GET IT OUT WHERE THE PUBLIC COULD USE THAT. IF THAT'S ONE OF THE THINGS THAT FEELS LIKE IT IS BEST TO GET OUT OF THE BOX AND GOING ON THAT IS SOMETHING WE COULD PUT RESOURCES TOWARDS. THE STRUGGLE IS THE FACT THAT AS AN ORGANIZATION AND I APPRECIATE YOUR COMMENT ABOUT THE IMPORTANCE OF HAVING APPROPRIATE SUPPORT. RIGHT NOW THE NUMBER OF PEOPLE IN PD WORKING ON THIS IS 11. IN THE DEPARTMENT WE HAVE 2 AND WE ARE HALF THEIR SIZE. WE ARE CHALLENGED. WE ARE WORKING WITH THE CITY MANAGERS OFFICE TO IDENTIFY WAYS TO IMPROVE ON THE ABILITY. THE RMS AS YOU MENTIONED, HAS THE ABILITY TO REDUCE THE LABOR REQUIRED TO PRODUCE THE REPORTS FROM AN INPUT AND CLEANING AND EXPORT STANDPOINT A LOT OF FUNCTIONALITY BETTER THAN WHAT WE HAVE TODAY. WE CAN LOOK AT THAT OPTION. IT IS A LIMITED SET OF DATA IN TERMS OF WHAT WE ARE PROTOEIZING HERE. WE WILL HAVE A BETTER OVER VIEW. IT IS AN OPTION WE CAN PUT FORWARD.

>> CITY MANAGER.

>> I HAVE NOT TALKED TO STAFF ABOUT THIS, ONE THING I'M INTERESTED IS ENSURING WHAT WE MEASURE IT CONTRIBUTES TO THE EFFECTIVE MANAGEMENT OF THE ORGANIZATION AND DOESN'T EXIST IN ISOLATION. SO, IF THESE DATA POINTS ARE IMPORTANT FOR HOW WE MANAGE OR PUBLIC INTERESTS I SUGGEST THAT WE BRING IT INTO THAT SYSTEM. WHETHER IT BE THE BUDGET PROCESS AS TOM REFERENCED. WHAT GOES TO THE COMMITTEES WE GO QUARTERLY WE MAY NEED TO GO FWIES A YEAR NOW DUE TO SHORTAGE OF STAFF. I SUGGEST WE BRING THEM INTO THE TOTAL PACKAGE OF WHAT IS OF INTEREST TO THE COUNCIL.

>> ON THAT POINT, I'M RELUCTANT TO ADD ADDITIONAL REPORTS. BECAUSE THAT'S MORE WORK BUT WE ARE ALREADY DOING REPORTS AND TALKING DATA OUR FOCUS OUGHT TOING HOW DO WE GET WHAT WE ARE ALREADY DOING AND USING INTO A FORM WHERE IT CAN BE USED BY THE PUBLIC. THEN WE WILL WORRY ABOUT CREATING NEW AND ADDITIONAL REPORTS. BECAUSE I HATE CREATING NEW REPORTS THAT ARE NOT BEING USED. IF THE DEPARTMENT IS USING THEM, GREAT. LET'S DO IT AND MAKE IT PUBLICLY AVAILABLE. AND I DON'T KNOW WHAT THAT MEANS IN TERMS OF THE ANSWER TO THIS QUESTION. THE RMS SYSTEM YOU ARE WORKING ON SOUNDS LIKE IT IS CLOSE.

>> CORRECT. AS TOM MENTIONED WE WILLVILLE IT IMPLEMENTED TO PARAMEDICS AND CAPTAINS BY THE END OF THE CALENDAR YEAR. AND THE REPORTS THAT WE PUT FORWARD ARE REPORTS AS DAVID REFERRED TO AND TOM, THAT ARE CURRENTLY BEING PRODUCED ON AN ANNUAL BASIS. IT

IS LABOR INTENSIVE IN THE CURRENT SYSTEMS WE HAVE AVAILABLE AND WE ANTICIPATE WITH THE IMPLEMENTATION OF THE NEW SYSTEM AND THE REPORT WE WILL SEE WHAT THAT NEEDS TO BE, WE WILL HAVE A RELATIVELY HIGH CONFIDENCE IN THE QUALITY OF THE DATA GOING INTO THE SYSTEM AND WE ARE IN FACT, USING THESE REPORTS.

>> WHAT WOULD IT TAKE TO GET THE REPORTS THAT ARE ALREADY BEING PRODUCED JUST MADE AVAILABLE?

>> AS TOM REFERENCED BEFORE, OUR CURRENT IT STAFF SUPPORT IS REALLY LIMITED. IT IS BECAUSE WE ARE IMPLEMENTING A LOT OF NEW SYSTEM. WE ARE IMPLEMENTING THE RECORD'S MANAGEMENT SYSTEM AND USING TARGET SAFETY TO GET A DISTRIBUTED TRAINING STRATEGY DEPLOYED TO MAKE SURE ENGINES REMAIN IN DISTRICTS AND IMPROVE RESPONSE TIME. WE ARE IMPLEMENTING AND LEVERAGING TECHNOLOGY WITH LIMITED STAFF. OUR BIGGEST PROBLEM IS POSTING TO THE WEB. WE DON'T HAVE THE CAPACITY TO HAVE SOMEBODY WORKING ON THE WEB AND ENSURING IT IS UP-TO-DATE AND EASY TO NAVIGATE.

>> WHAT IF IN THE INTERIM TO ON CREATE SOMETHING THAT WOULDN'T CREATE MUCH MORE WORK EXCEPT FOR OUR CITY CLERK. THOSE REPORTS WHEN AVAILABLE BE PUT ON THE NEXT PUBLIC SAFETY MEETING AGENDA ON CONSENT AND PEOPLE COULD REFER TO THAT THROUGH THE CLERK'S OFFICE, THROUGH THE AGENDA AND CLICK ON THE REPORTS. IS THAT SOMETHING WE CAN DO IN THE INTERIM SO WHAT WE HAVE IS SOMEWHERE WHERE PEOPLE CAN FIND IT. THEY KNOW PUBLIC SAFETY HEARS ONCE A YEAR.

>> SEVERAL OF THE DATA POINTS, 3 OF THEM ARE ON THE STRATEGY SUPPORT COMMITTEE THROUGH THE MANAGER'S OFFICE. SOME ARE ANNUAL. BIGGEST PROBLEM WE HAVE IS WE WOULD BE RELYING ON THE EXISTING SYSTEMS. ONE OF THE THINGS THE REASON WHY YOU SEE THE APRIL DATE IS TO MAKE SURE WE ARE USING THE NEW SYSTEM TO COLLECT THE DATA USING THE FEATURES THAT WILL CLEAN THE DATA SO IT REDUCES THE STAFF TIME TO DO WHAT TOM TALKED ABOUT. TO LOOK FOR THE OUT LIARS THAT DON'T MAKE SENSE RESPONSE TIME IN 24 HOURS. THERE ARE OUT LIERS EXCLUDED BECAUSE WE KNOW THAT WOULD NOT HAPPEN THAT WE. FOR EACH RESPONSE REPORT TAKES 40 HOURS OF STAFF TIME TO CLEAN, PREPARE AND PREP IT BECAUSE IT DOESN'T COME IN A WAY WE CAN PUSH IT OUT IN A REPORT. WE ARE CHALLENGED WITH THAT PROBLEM UNTIL THE NEW RECORDS MANAGEMENT SYSTEM IS ON LINE. THOSE REPORTS WE PRODUCED TODAY ARE USED FOR THE OUTSIDE REPORTING WE DO. OUR MANAGERS TODAY BECAUSE OF THE LEVEL OF EFFORT REQUIRED TO PRODUCE THEM ARE NOT RECEIVING THEM REGULARLY. THIS GOES TO THE MANAGER'S COMMENT THAT YOU WANT THE TO MAKE SURE THEY ARE TOOLS THAT FOLKS USE TO MAKE BETTER DECISIONS.

>> MY ONLY LAST COMMENT WOULD BE I DON'T WANT TO DO SOMETHING AND NOT DO IT RIGHT BECAUSE WE ARE RUSHING IT. IF WE HAVE REPORTS AVAILABLE THAT ARE BEING PRODUCED IF WE CAN WORK TO PUSH THOSE

THROUGH THE COMMITTEE SO THEY ARE AVAILABLE AND THEN REALLY LOOK TO SERIOUSLY TAKING A LOOK AT THIS IN THE SECOND QUARTER OF 09 TO SEE THE END OF THE SECOND QUARTER AND BEGINNING OF THE THIRD QUARTER, TO SEE HOW THINGS ARE PROGRESSING WITH THE SOFTWARE AND HOW WE CAN GO FORWARD SO WE ARE NOT TRYING TO CREATE 2 NEW WHEELS AT THE SAME TIME.

>> THANK YOU, WE DO RECEIVE THE CONDENSED REPORT QUARTERLY. I THINK HAPPENED DURING WE HAVE A LONG AGENDA ALL THE TIME THAT REPRESENTATIVES FROM FIRE DEPARTMENT COME UP AND ASK THE COMMITTEE MEMBERS IF WE HAVE QUESTIONS. THINK AS THE CHAIR OF PUBLIC SAFETY WHAT I WOULD DO, NEXT TIME WE WILL ALLOW YOU THE OPPORTUNITY TO PRESENT IT SO THE PUBLIC HAS AN OPPORTUNITY TO HEAR IT.

>> SOUNDS LIKE WE HAVE TO WAIT UNTIL APRIL TO BEGIN TO FIGURE OUT HOW OFTEN WE CAN DO THESE REPORTS. WE CAN DO THEM REAL TIME WITH THE SYSTEM AND LET PEOPLE QUERY AND GET THEIR OWN DATA OR IF WE HAVE TO MASSAGE THEM AND PUT THEM IN PAPER AND PDF FILES AND POST THEM. SOUNDS LIKE EXTRA WORK. SHOULD WE RETURN TO THIS BACK TO THE COMMITTEE IN MARCH AFTER YOU GOT THE REPORTS OUT OR TALK ABOUT THEM BEFORE THEN.

>> WHAT I WOULD LIKE TO SUGGEST IF I COULD WORK WITH THE FIRE DEPARTMENT AND FIND OUT WHEN UNDER THEIR CURRENT PLAN THEY WOULD BE PRODUCING THEIR FIRST ROUND OF DATA ON THE NEW SYSTEM. LET'S LOOK AT THAT AS A TIME FRAME BH WE CAN LOOK AT HOW LONG IT TAKES THEM TO GET OUT AND SAY WE HAVE BEEN THROUGH IT ONCE, HERE'S WHAT IT LOOKED LIKE. DOES THAT WORK?

>> I THINK THAT IS A GOOD PLAN.

>> OKAY. IS THAT OKAY?

>> REASONABLE TO ME.

>> OKAY. LET'S DO THAT.

>> THANKS ALOT FOR YOUR WORK ON THIS. WAS THERE ANYTHING ELSE FROM THE TASK FORCE WE DID NOT COVER ON THE CHARTS?

>> I BELIEVE THAT IS EVERYTHING UNDER THE FIRE. THERE ARE MORE ITEMS BUT WE DON'T HAVE TIME TO LAUNCH INTO THE NEXT ONES.

>> I WANTED TO COVER EVERYTHING ON FIRE DAVE WAS HERE AND WE HAD A CHANCE TO TALK ABOUT IT.

>> ONE MORE QUESTION ABOUT THE MS DATA WE ARE CURRENTLY PRODUCING IS THERE ANYTHING IN THE MEMORANDUM OF UNDERSTANDING THAT WOULD PROHIBIT US FROM REALLY SEEING THAT DATA?

>> I DON'T BELIEVE SO IT IS ALL PUBLIC INFORMATION.

>> OKAY. ANYTHING ELSE ON SUNSHINE REFORM TASK FORCE RECOMMENDATIONS?

>> NO. WE WILL BE BACK NEXT WEEK AND OUR INTENSION IS TO DEAL WITH DRAFT AND MEMORANDUMS.

>> ALL RIGHT.

>> I THINK THAT TAKES US TO OPEN FORUM. ANYBODY WISH TO SPEAK TO THE COMMITTEE.

>> NO, OKAY, WE ARE ADJOURNED.